

ISRAEL  
AND THE NATIONS

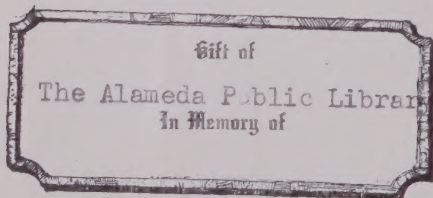
BY DR. JOSEPH S. BLOCH

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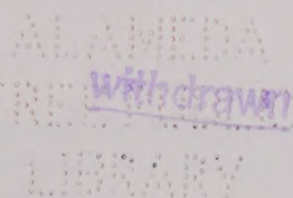


Bloch, Joseph Samuel

# ISRAEL AND THE NATIONS

BY

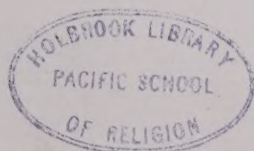
DR. JOSEPH S. BLOCH



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## ISRAEL AND THE NATIONS

According to the Jewish Doctrine. Referring to all antisemitic textual falsifications in Talmud, Shulchan Aruch, and other Rabbinical Writings. Based on the Opinion submitted to the Vienna Law Courts in the famous lawsuit Rohling versus Bloch by the sworn Christian experts

Prof. Dr. Theodor Nöldeke  
and  
Lic. theolog. Dr. August Wünsche.

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The Talmud was not composed for every blackguard to trample upon with his unwashed feet and say he, too, knew it.

Johann Reuchlin.

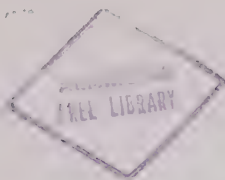
The English translation of Dr. Bloch's German work  
"Israel und die Völker" was translated by Dr. Leon  
Kellner and revised by Mr. Harry Schneiderman, the  
Editor of the American Jewish Year Book.



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## INTRODUCTION.

The late minister of the Vienna Jewish Congregation, Dr. Adolf Jellinek, addressed to me on August 11th 1893 the following open letter:

My articles dealing with Jewish apologetics which first appeared in the "Österreichische Wochenschrift", and then as a reprint have been translated into Italian by Professor Vittorio Castiglione in Trieste, and published in the "Corriere Israelitico".

It is imperative for us to insist on the importance of Jewish apologetics, as the anti-Semitic movement both in Germany and Austria goes on doing no end of harm, particularly since His Excellency Ahlwardt has become the dictator of the anti-Semitic rabble.

That is why I publicly apply to you, dear Dr. Bloch, the Hercules of the anti-Semitic Augean stable, to work up the subject-matter of Jewish apologetics into literary shape, at least insofar as the disgraceful present is concerned. The anti-Semitic onslaughts on Judaism and its defence should be the subject, and the anti-Semitic leaders should be exposed in all their wretched nakedness.

Every Jewish minister, particularly those in small congregations, ought to be in a position without much trouble to refute anti-Semitic slanders, and this would be possible only if there is a work at hand to give him the necessary information with which to take up the inglorious fight.

Such an apologetic work dealing chiefly with the present ought to have a very large circulation.

Dr. Bloch is in possession of the necessary literary ability; he is well versed in the tactics and strategy of warfare. Let us hope that he will not be lacking in ammunition or material means.

Professional business prevented me from following up this suggestion. Not before my present stay in New York (1920—21) did I find the leisure to take up the task outlined by Jellinek, namely to put together all the arguments of modern Jew-baiting

based upon religion and religious writings, all the slanders circulated against the Talmud, the Shulchan Aruch, and other literary monuments of Judaism, all the innumerable textual falsifications, perpetrated against them, and to explain their nature and origin.

He, who makes a study of the phenomenon of anti-Jewish feeling in all countries finds himself first of all called upon to look for the causes of this phenomenon, to discover its hidden sources. At the very outset we must beware of false conclusions. The hate against the Jews is the feeling of antipathy against the Jews, their aspirations, and doings. How is this hate excited? Apparently by ugly and odious peculiarities. The Jews are hated — consequently they are worthy of hate. This conclusion, which I am sorry to say is often heard from Jewish mouths, is a popular fallacy. From the persecution of witches, a wise man wrote, I can draw no conclusions concerning the peculiarities of witches; all it can do is to help us to understand the times and nations in which such persecutions took place. If a young man extols in verse the beauty of his lady, I may draw the conclusion that he is in love or thinks that he is, but certainly not that she is really a beauty. In other words, a feeling is an index to an emotion but it does not reveal the peculiarities of the person or thing which excited the emotional state. In a speech made in the Austrian Parliament on February 11th 1890 in which I passed, in review the social phenomena produced by anti-Semitism I gave this idea another and more drastic shape. I quote from the shorthand minutes:

Gentlemen, in dealing with us [Jews], all ideas of right and wrong, of virtue and vice are turned into the reverse of what they are. One would think that virtue and vice would be generally accepted concepts as unmistakable and as uniformly current as the coin of the realm. But, no. That which is virtue in everybody else, when noticed in the Jews becomes a vice (Cries: Hear, hear!) You think this an exaggeration on my part? Gentlemen, the aspiration towards culture is acknowledged to be a virtue; nations sympathizing with public instruction and a high level of scholastic efficiency are greatly praised; you praise the paterfamilias who spends his last on giving his children a higher education. In the Jews, on the contrary, it is considered a crime: we are accused of sending a disproportionate number of children to school. The honourable mem-



ber Türck has made it his particular care to find out how many Jewish children attend elementary schools, how many secondary schools, how many universities. You see, what is a virtue in Christians, in Jews becomes a vice. If you were consistent at least in this, that the yearning for education is a vice in the Jews! But, no. Our accusers say that in Galicia Jewish children keep away from school. This is also a vice (Loud laughter). That is why I am not of the opinion of the honourable member Dr. Zucker who gives us the advice to be more reserved, to spend less (Cry: It would do no harm!). Yes, it might do no harm, but it would do no good either. Nothing can help the Jew. He will never give satisfaction no matter what he does. If he spends too much, he is ostentatious<sup>1</sup>, a spendthrift; if he spends too little, he is called

(1) A propos of a collection made for the "Bazar de Charité" on behalf of orphan asylums, establishments for the aged, the sick and the destitute. M. Cassagnac wrote in *L'Autorité*:

"It is generally remarked that nearly all donations exceeding 2000 fes. were given by Jews. This noisy generosity is felt by public opinion (sic!) as undignified intrusion and is not looked upon as the Jewish donors evidently flattered themselves."

A few years ago I read in a newspaper the following complaint of a Jewish woman. She wished to buy some fruit in the market, and asked a Christian saleswoman the price. "Fifty heller a pound," was the reply. "That is too dear can't you let me have it for forty?" said the Jewess. At this the fruit dealer flew into a rage. "You dirty Jew," she cried, "you Jews are always bargaining! You would like to take everything from us for nothing!" Frightened, the Jewess went away and went to another woman who carried the same kind of fruit. To the question as to the price, she received the answer "Fifty heller". Taught by her recent experience, she paid, without bargaining, the high price. At this, a "Christian" woman who was standing near cried out: "Those damned Jews make everything dear for us all. They get rich from us and are thus able to pay the highest prices without bargaining, so that we have to be content with inferior fruit!"

The *Bohemia*, a Prague newspaper, published the following story. In a first-class railway carriage, three Czech government officials, a director and two inspectors appeared to have no end of important matters to talk about. They talk of this and that, and finally come to the subject of valuta (foreign exchange). "Tell me, gentlemen," broke in the State Railway Director, "just what is this valuta? I did study about it once, but I have already forgotten. What is the basis of this valuta — the dollar or what? I am not clear about it, but you as inspector of accounts will surely know." Before the one addressed could answer, the third gentleman spoke up in order not to outdo his superior, and said that he really did not know what valuta was, and the inspector of accounts, an auditor by profession, gave this brilliant explanation of the

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stingy, a miser. If he keeps aloof from political life, he is lacking in public spirit; if he takes part in political life, he is an impertinent intruder. (Laughter.) If he joins the government, you say, Of course, the Jew is always on the side of the powers that be. (Loud laughter.) If he joins the opposition he is an element of dissatisfaction in political life. (Renewed laughter.) In a Vienna meeting the discovery was made that Czech nationalism was an invention of the Jews. (Resounding laughter.)

Whatever happens in the theatre of the world, whatever the nature of the political or social event, it is always the Jews that are responsible for the real or supposed mischief.

Why did the duke of Orleans (Philippe Egalité) leave Louis XVI. to his fate? It was the Jews who incited him to high treason, to all his atrocities. So says Hermann Scharf-Scharffenstein in his book, *The Secret Doings and the Power of Judaism*. 2nd edition. Stuttgart 1872, p. 2. It was the Jews who brought the unhappy queen Marie Antoinette to the scaffold; it was at the instigation of the Jews that Napoleon III. declared war on Germany (*ibid.* p. 96).

The Russo-Japanese war — the Jews brought it about in order to drive the poor Czar into a corner. The strikes in the various countries — the Jews lead them; they are at the bottom of everything; they can do anything. They make revolutions, they overthrow dynasties and ministries, they appoint the governments all over the world at their pleasure.

All the laws of morality, even regard for decency and good manners, are in abeyance where Jews are concerned.

If Mr. Ford in Detroit were charged with having circulated counterfeit bills he would be indignant that he should be supposed capable of such an infamy; the proof that he circulates counterfeit documents and protocols (of the supposed Wise Men of Zion) leaves him unconcerned: it is only Jews who are hit by it.

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meaning of valuta: "Really, I also do not know. But what can it be? Valuta, that is something the Jews use. According to the needs of their business, they make the valuta." Settled, and not one of the three gentlemen bothered his well-paid precious head-piece about valuta, a word which they probably imagined to be connected with some Esperanto currency.

In 1875, the Vienna engineer Siegfried Markus manufactured the first automobile, but owing to lack of means he did not succeed;<sup>1</sup> Henry Ford who, thanks to this invention, makes hundreds of millions, tells the fairy tale of Jewish world power and Jewish exploitation. In preparing the soil for pogroms, the notorious Russian Ochrana invented and circulated on an extensive scale among the Russian population a fictitious speech of a grandrabbi, made in a secret meeting in the Jewish cemetery of Prague, summoning the Jews to a war of extermination against the Christians.

This cock and bull story was taken from a chapter of the shilling shocker "Biarritz" from the pen of Herman Goedsche who wrote novels under the pseudonym "John Raedcliffe" and as a witness in a sensational political trial was badly exposed; and although the origin of these lies had been proved up to the hilt they occur again and again in incendiary writings of all sorts also in Austria and Germany; this literary piece of knavery came up again and again, newly varnished, and emerged at last from the poisonous kitchen of the Petrograd Ochrana, mixed with some fragments of a libel directed against Napoleon III., as the Protocols of a Zionist congress, revealing secret plans of the Wise Men of Zion to deceive the Czar, to poison the public opinion of all countries.

Or, again: A fictitious speech of the late Sir Moses Montefiore at a meeting of rabbis in Cracow is fabricated where a scheme is reported to have been hatched of seizing the press of the whole world as a means of power, although Montefiore was never in Cracow, and a meeting of rabbis never took place in Cracow before 1908, when Sir Moses Montefiore had been dead for a long time. The lie is concocted that Adolphe Crémieux, as French minister in 1871, had put a price of one million francs on the head of the old Emperor William I. Although the

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(1) Siegfried Markus was one of the first to employ the Four-Tact-Petrol-Motor. This motor was to be seen at the Vienna World Exhibition in 1873, and its description may be read in the Catalogue of this Exhibition. The car in which Markus drove some of his friends through the streets of Vienna is still on view at the Car Manufacturer's Lohner in Vienna.

daughter of Crémieux denied this slander with great energy, the circulation of this lie goes on. In proof of a conspiracy of the Jews against the Christian states, an anti-Semitic hackwriter concocts and circulates a manifest of the Alliance Israélite Universelle, signed by Adolphe Crémieux, containing the brilliant words. "The day is no longer far off when the riches of the earth will belong exclusively to the Jews", and although as early as 1883 this literary product was publicly exposed as a fiction and a lie it is nevertheless circulated again and again.

What even high ecclesiastic circles consider morally admissible where Jews are concerned is indicated by something that happened toward the end of the past century in Galicia.

In the eighties, a new manifesto of the Alliance Israélite Universelle was fabricated and put in circulation, summoning the Jews to get hold of Galicia, to oust the Christians from their positions, to seize the whole of the soil and thus to bring the country under Jewish domination. For the carrying out of this scheme of wresting Galicia from the hands of the Christians, great collections of sums were alleged to have begun; Baron de Hirsch, the Rothschilds, Bleichröder, Mendelssohn, and others were reported to have contributed large sums and the collection was said to be going on. The content of this literary concoction was so absurd and preposterous as to pander to the stupidity of the lowest and most ignorant classes. The directors of the "Alliance" were not slow to enlighten the public as to the true nature of this libel. But a few years later, the rag was again put in circulation, whereupon the "Alliance" again branded the anti-Semitic booklet as a forgery. The effect of the protest was of a short duration, however, for two years later the "Alliance" saw itself compelled for a third time to protest against the slander. Presently an unheard-of thing happened. In order to protect and immunize this anti-Semitic fabrication against the protests of the "Alliance Israélite Universelle" it was smuggled into a prayer book for Catholics which was provided with the *Imprimatur* of Dunajewski the Prince Archbishop of Cracow. That happened in 1890 and it was only made possible because Father Chotkowski (the man was a professor and once had even been the



Rector of the Gracow University and a Member of Parliament) had censored and recommended the book to the archiepiscopal consistory. The lying Appeal is quoted and a special prayer inserted that God may have mercy on Poland and may not deliver her into the hand of her enemies who conspired to bring about her ruin. —

And not only the moral laws, but the laws of logic, too, lose their validity with regard to the Jews.

The anti-Semites represent the Jews as so shrewd, so crafty, so artful and so superior in worldly wisdom to the Christian nations as to get the better of the whole world. At the same time they are credited with the crudest superstitions; the most infantile fables, the most stupid fairy tales circulated about them find ready belief. That the various charges against them are mutually contradictory is altogether lost sight of. Thus, for example, the Jews are to blame for the prolongation of the war, but at the same time they are at the bottom of the weakening of the war-spirit and of undermining of the will to resist.

They are blamed for being traders, not farmers; but no sooner has a Jew acquired a few acres than there rises the outcry, "The Jew ousts the native from his paternal estate", and nationalist associations warn the public against selling any land to Jews.

Here they are denounced to the labor classes of the world as the exponents of capitalism, there they are represented as most dangerous communists, the sworn enemies of bourgeois society; here they are called narrow-minded particularists, there they are the props of the "International". In Poland they are murdered as Germanizers; in Germany ill-used as "sympathizers with France", in France as "German spies".

The Parisian Drumont incited the masses against the Jews by means of the catchword that they were German hirelings, "spies of Bismarck", the sworn enemies of the French Republic, spreading the German language and serving German interests. At the same time, the Berlin "Kreuzzeitung", the organ of the Prussian gentry, accused them as "French spies":

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Many of them, choosing to remain French subjects, settled beyond the Vosges in Nancy, Epinal, Remiremont, etc. from where they kept up lively and perhaps not always unpolitical relations with their relations and coreligionists in Alsace-Lorraine.

As then, so to-day. "L'Action Française", the paper of the anti-Semitic royalists in France, declares in a leading article:

The chief of the German spies is the Jew Max Nordau. During the war he was entrusted with the German propaganda in Spain. In January 1921, the German General Staff, which, in defiance of the Treaty of Versailles, is still at work, ordered him back to Paris. So that he could take up again the threads of German espionage. Nordau had the effrontery to pitch his old camp in the rue Henner. He plies his dangerous trade under the cloak of the Zionist propaganda.

The Hammer, organ of Theodor Fritsch of Leipzig, also pretends to see in the occupation by France of the Ruhr region of Germany a scurvy trick of the Jews. In that paper, we read:

„What object are the Jewish masters of France pursuing in this undertaking? Germany is the country which will overthrow the Jewish domination . . . So Jewry faces a catastrophe, and the Ruhr invasion is its last means of salvation.“

In the French Parliament, Léon Daudet made himself the mouth piece of these charges against Max Nordau.

Concurrently with this, General Ludendorff, in his book "Warfare and Politics" wrote: "Hand in hand with France and England the supreme directory of the Jewish people did its work." And in a footnote he added: "The question of the supreme directory of the Jewish people in its Dispersion is for the other nations still an obscure matter".

At one time they are reported to Governments as "revolutionaries" who had suborned Kossuth and Mazzini and undermined Russia, and on the other hand they were, when the moment required it, represented to German jingoism as agents of the Czar. For a while the Jews were the only enemies of the Czar who persecuted him with "infernal hate"; but when in 1891 a Russian loan was successfully placed by European financiers, against the wishes of the Prussian Governments, the "Kreuz-

zeitung" declared that "International Jewry had placed itself at the service of the Czar."<sup>1</sup>

The identity of Judaism and Bolshevism is no less than a dogma with Jew-baiters. But when it is convenient the Jews are maligned as being the most uncompromising opponents of Lenin and Trotzky. The Vienna "Reichspost" (Evening Edition of Nov. 29, 1917) wrote that "there were only a few Jewish Bolshevik Leaders", while "the Congress of Jewry in Odessa had passed a resolution to put up "patriotic" (nationalistic) candidates only for the Constitutional Assembly. "The resolution of the Jews in the Preliminary Parliament was brief: Three cheers for a free, regenerated, happy Russia! The Russian Jews side with the jingoes and those who would continue the War." In other words: The Jews of the Central States were made responsible for the Russian Jews being opponents of Lenin.

(1) While in the Austrian Parliament (session of June 20, 1891) a Czech member, the vicar Francis Weber, made an anti-Semitic speech because the Jews bought no Russian State Bonds and did not support the Russian loan ("Israel", he exclaimed, "ranges itself already on the side of the potentates of the world, and the House of the Rothschilds is spoken and written of as being at grips with the House of the Romanoffs"), the Berlin "Kreuzzeitung" in face of the Russian loan having been a success in Paris, went as far as to say that the issue of the Russian loan of 1884 had been exclusively the work of international Jewry, a blow of Semitism aimed against the Teutonism.

The members of the Prussian Association of Maritime Merchants who had participated in the issue of the Russian loan published the following notice:

"As the allegations of the 'Kreuzzeitung' that participation in the Russian loan is a matter of international Jewry might lead to doubts as regards our creed, we declare that every single member of our Board who took part in the issue of the Russian loan can prove that he belongs to the Christian persuasion. We did not, however, hesitate to take part in that issue because, as far as we know, no Christian dogma forbids a believing Christian to buy Russian Loan Bonds. It is scarcely to be assumed the Jewish faith commands or recommends the acquisition of the said bonds; but the answer to this problem we must leave to more competent judges. We do not flatter ourselves that our declaration will have any effect on the future utterances of the 'Kreuzzeitung', but we should like to prevent any mistakes arising out of the allegations of the 'Kreuzzeitung' as to the connection between Russian Loan Bonds and Judaism insofar as our religious belief is concerned."

This sarcastic reply made people laugh; otherwise it had little effect.

When William II. put the Bill of the Construction of a Midland Canal before the Prussian Parliament the Vienna clerical, "Reichspost", the organ of the agrarian opponents of the canal scheme, indignantly exclaimed:

"The Jews from Galicia are not competent to decide whether a Midland Canal is useful or no."

As if the Kaiser had been under the thumb of Galician Jews!

The pope, as we all know, is elected by the cardinals of the Catholic Church, who, during the election, are cut off from all publicity. When Leo XIII. died his Secretary of State Rampolla had the best chances of being elected his successor. But when the Emperor Francis Joseph, through Cardinal Puzyna, protested against his candidacy and the Holy College of Cardinals, in consideration of this protest, elected Sarto who, as Pope Pius X., became the head of the Catholic Church, Ernest Schneider, the Vienna member of parliament said in Vienna meetings: "Jewry was opposed to this clear-eyed man of realistic judgment; so he was sacrificed because some Polish Jews objected to his becoming pope."

This speech was reproduced in all anti-Semitic and Catholic papers without any comment. The statement that a few "Polish Jews" had decided the election of the Supreme Head of the Catholic Church was received in silence. And the audience, consisting of Catholic anti-Semites mixed with anti-Semitic Catholics cheered the orator. The pathological condition of the speaker found a corresponding mentality in the mob.

On occasion of the Giordano Bruno commemoration, Giacomö Sacerdoti, a Jewish member of the Provincial Council of Modena, had protested against two delegates being sent to Rome. He declared that, although he was a Jew, considering the nature of the commemoration he could not take part in the demonstration. This protest made an excellent impression in the Vatican which was reflected in the official papal organ "Osservatore Romano". It said: "This Israelite voiced his conviction freely and thus gave many-vociferous and unprincipled Christians a well-deserved lesson."

This did not prevent the Vienna "Vaterland" from publishing

an incendiary article against the Jews as if it had been they who had arranged the commemoration.

The same conservative-feudal paper had a Berlin article (March 2, 1892) with this jewe of a proposition:

"Anti-Semitism is altogether an invention of the Jewish writers."

In Russia it was an often perpetrated joke to accuse the Jews of having provoked the massacres in order to put the good Russians in the wrong. Similar jokes are reported from antiquity. The Alexandrian delegates contended, before Trajan, that the Greeks who had been punished under Claudius for baiting the Jews were innocent, that it was the Jews who had arranged the riots and wounded their co-religionists in order to throw suspicion on the Greeks (Wilken, *A Document concerning Trajan's Jewish War. Hermes* 1892, p. 464).

While two thirds of the Jewish people languish in poverty and distress, merciless hate talks of Jewish riches. More than that, 30 years ago, the well-known economist Leroy-Beaulieu, the author of *L'empire des Tsars et les Russes* wrote in the *Journal des Débats* (Aug. 1890):

The fate of the Russian is anything but enviable. Of all nationalities of vast Russia I found none more pitiable than those thin Jews in gabardines and long boots hurrying along streets and roads to earn a penny. It is fashionable at present to speak of elevating the masses and equalization of the social contrasts; I am justified in saying than in Europe no class is poorer, that none has more trouble to earn a piece of rye bread than nine tenths of the Russian Jews.

True, indeed, Jewish pauperism does not reek of gin. However poor, the Jew leads a decent family life, the whole week through, he eats nothing but dry bread in order to clothe his wife and children decourously, particularly to give the children an education, and when on Saturday or Sunday he makes some show with his family you must be a proficient student of physiognomy to read from his face the privations that such people go through. Outsiders take this shadow of prosperity for the real



thing and think that Jewry hoards the treasures of the world, that one Jew may have more than another, but that every one of them has his share.

During the past decades the misery of the Jewish masses has increased to a shocking degree so that the well-to-do minority must exert all its energy to save a part at least from ruin. Henry Ford, however, one of the greatest capitalists of America, summons the mob to fight against Jewish capitalism although he had no need to be told (as he was) by a distinguished Christian and American that Rockefeller could easily buy up all the riches of the Jews in America, and Rockefeller is no Jew; that in America 1000 Christian millionaires and multi-millionaires might be enumerated -- Rockefeller at the head and Ford close at his heels -- with whose fortunes the money of all the Jews of the globe could be bought.

Nothing is too absurd, too preposterous to be told of the Jews.

The organ of the court preacher "Das Volk" (The People) proved that the Jews were to blame for the many throat and lung diseases. The thing is very simple.

The Jews dominate the fashions as they do everything, and as they are (by the way) very sensual they compel the poor Germans to wear close fitting and deeply cut garments whereby they squeeze their lungs and expose their throats.

And the Jews spread diseases also in other ways.

"The cookery books, mostly compiled by Jewesses such as Henriette Davidis, etc. systematically ruin the stomachs and health of the Germans."

Unfortunately the paper had to retract its allegation and to state that Henriette Davidis was not a Jewess but the scion of an old family of Lutheran pastors.

As a compensation the discovery was made that the Jews were the carriers of cattle diseases:

"We have come to a pretty pass! Here in Merkers (Thuringia) and in many other places the hoof and mouth disease has made its appearance. As always it was a Jew who imported it."<sup>1</sup>

(1) In 1807 a great cattle disease raged in Flatow (Posen). Of course the Jews were to blame and from the order reprinted below of the then official

When in Mönchstein near Basel a terrible railway disaster occurred, people were ready at once to search for a Jewish scapegoat. It was found in the well-known engineer Eiffel who had constructed the bridge and who, accordingly, was made out to be a Jew. But Eiffel was neither a Jew nor of Jewish descent.

In St. Peter Corstec (Croatia) the alleged appearance of a miraculous child in the woods led to excesses of fanaticism and to acts of resistance to the authorities who took measures to put an end to the swindle. At once, anti-Semitic papers spread rumours among the peasantry that it was the Jews who had instigated the authorities to interfere.<sup>1</sup>

When, near Komorn, some miracle-monger pretended to have seen the effigy of the Virgin Mary with the Saviour in the bottom of a well, the German nationalists said it was the Jews who had spread the rumour in the horse-fair of Komorn. In Croatia, the Jews were abused for not believing in the miracle; in Hungary they were charged with having invented a miracle.<sup>2</sup>

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of Flatow, later on mayor of the town, it will be seen how successfully the disease was conquered by Jew-baiting. The order which was circulated for miles around reads literally: "As the death of cattle is still spreading owing to the Jews daring criminally to skin the dead beasts and to buy the skins, all the elders of villages are warned that they will be held responsible for tolerating any Jew in the village unless he has a license from the authorities; if a Jew shows himself, he must be arrested and handed over to me for corporal punishment. An inhabitant who omits to arrest a Jew must in his turn be arrested and handed over to the authorities for punishment."

Flatow, Nov. 12, 1807.

Münzer.

(1) During the world war the chief commanders of the Central Powers, Ludendorff and Conrad, requisitioned zinc and brass; even pieces of machinery and organ pipes. Also church bells were melted. Of course it was the Jews who did all this. *The Tyrolean Advertiser* ("Tiroler Anzeiger") wrote on Sept. 3, 1915: "In neighbouring Bavaria, the tin covers of beer glasses were commandeered; so the churches were not robbed of the organ pipes. Why do they not commandeer the covers of beer glasses in Austria where there is no longer any beer to be had? Answer: It is a test of how much more the Gentiles will stand from the Chosen People. Bishops, Members of Parliament, take notice!"

(2) That in a particularly heavy sea the sailors threw the Prophet Jonah into the waves as being the cause of the storm, we know from the Bible. But

The doctrine of the periodical recurrence of similar events appears credible when in face of such strange happenings in our own time we remember the proceedings of the Roman rabble against the early Christians:

"The heathens make it their grievance that Christians dominate the State and that they are everywhere.

"For every sentence pronounced, for every damage done the Christians are blamed. When the Tiber overflows its banks, when the Nile fails so rise, in times of drought, earthquakes, famine, plague — the cry arises: Throw the Christians to the lions! None clamour so much for the punishment of the Christians as the mob which rejoices at executions; and governors who persecute Christians are popular. During the performances in the circus the mob vociferously demands lions against the Christians. They are dogged, informed against, surprised at their meetings. The curiosity of the fellow-lodgers penetrates through every cranny. The Christians are stoned, their houses burnt. Not even dead Christians are spared. They are torn from the rest of their graves and from the refuge of death. The Christian in prison is at least safe from the rage of the mob (Tertullian, quoted by K. J. Neumann. *The Roman State and the Universal Church to the time of Diocletian*. I, 140).

English moralists are the founders of the theory according to which there are persons who are morally diseased, who are sufferers from "moral insanity". Similarly we are inclined to assume a sort of "political insanity" the outstanding characteristic of which would be not hereditary transmission but the liability to infection, the endemic nature. It is not a fanciful playing with words nor an arbitrary simile to compare the spreading of certain political fallacies, the infectious nature of certain mental epidemics with the spreading of certain physical diseases. The spoken and written word, as the agent of all intellectual progress, may be misused for inculcating prejudices and feelings of hate, envy,

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from a traveller's report we learn that, in the 15th century, during a dead calm, Christian travellers threw their Jewish fellow-travellers into the sea as responsible for the inconvenience. (*Le voyage de la saencte Cyte Hierusalem année 1480*. Paris 1882.)

aggressiveness and quarrelsomeness. And as in physical and mental diseases the outbreak takes place at the time when the lines of internal disposition (e. g. weak lungs) and of the external cause (e. g. a cold) meet, so in cases of "political insanity" the prevailing tendency (e. g. racial or class hate) breaks out at a certain juncture, e. g. in times of political tension and of feeling running high when nerves are overstrained. It afterwards takes the shape of an obsession, proof against and inaccessible to arguments of logic, considerations of morals, practical experience.

In its inception, political insanity can be overcome by earnest contradiction only. Weakness and yielding will not impress a man who is liable to political insanity. Flattery and humoring will not bring him to his senses. Such a proceeding also with regard to popular opinions only tends to confirm a quidnunc in his madness, disheartening at the same time the sane-minded. If authoritative, powerful, leading men do not find the courage to oppose error frankly and unmistakably, the man in the street who likes to swim with the stream will certainly not feel called upon to do it. And in this atmosphere of cowardly yielding and false love of popularity, the germ of mental disease swells and grows and becomes an ineradicable ailment, incurably dangerous because the timely treatment had been delayed.

The mental disease then spreads owing to the remarkable interaction of leaders and led. They outdo each other; the young among the followers try to supplant the leaders by constantly growing radicalism. And the leaders yield because they do not want to be supplanted; in this race, absurdity is carried to the point of frenzy.

The philosopher Carneri says in his "*Book of Peace*" (published by the leaders of the League of Peace): "There will be no peace as long as anti-Semitism can carry its head high as at present... There will always be a number of half-human beings who, consumed by envy and covetousness, will see in every industrious worker an inconvenient rival whom they would like best to plunder, and, if this is impossible, to keep down by all varieties of racial hate and religious intolerance. But these half-humans become a power only through the number of the unconcerned



who, while they have nothing in common with them, yet become their passive allies. . . . This makes a peaceable State an impossibility, and only peaceable States are able to secure the world's peace."

A notable priest, Dr. Schöpf, member of the Consistory, professor in the theological faculty of Salzburg, wrote in the Vienna Almanac of G. von Suttner (1896) under the title "Causes of Anti-Judaism":

"Anti-Judaism, called anti-Semitism, is no doubt a sort of mental derangement. In every illness we must look to find out the causes which may be gathered from the facts. The same applies to the disease of anti-Judaism which is infectious to a degree. The cure depends, as in every disease, in the first instance on doing away with the causes. Now, it is a remarkable fact that people, in every other respect good and charitable, are liable to be ensnared by anti-Semitism; this I noticed innumerable times in my own profession. How are we to account for that? By tradition which for centuries has been grafted in youthful minds. Into the heart of the very child the poison of loathing and hate is dropped. The Jew is presented to the little ones as the bogeyman, as the personification of the prince of darkness who is intent on the ruin of his fellow-men. Bloodcurdling stories are told them of blood-sucking and child-murder. Granny takes her grandchild to the 'Jews' Stone' above Hall (lower Inn-valley) and points out the grim visages so that the little one is overcome with horror and never gets rid of the bugaboo any more. The Jews in the pictures of the Passion of our Lord with their grotesquely distorted faces are shown to him so as to make him doubt at last whether the Israelites are human at all. Add to this a very important moment. On Good-Friday we have a prayer for the perfidi Judaei that the Lord may have mercy on their perfidia Judaica. What is the pious priest to think in saying these words? He must and does think that the church abhors the Jews as a perfida gens and so the pious man will become an anti-Semite despite himself.

On every Friday of the week a prayer is said in all churches beginning with the words, 'There was darkness when the Jews



crucified our Lord Jesus'. Thus, old and young pray firmly convinced that it was the wicked Jews who nailed the Saviour to the cross. Now it is true that the Jews of that time clamoured for the death of our Lord, but the sentence of death, the procession to the place of execution and the crucifixion was the business of the Romans who exclusively possessed the *jus gladii* (the right of the sword). This is an established fact, whether the letter of Pontius Pilate addressed to the Emperor Tiberius be genuine or no. But this is not in the mind of the people who pray, nor do they remember that the crucifixion took place 1800 years ago, that therefore the Jews of to-day cannot in fairness be made responsible for what their ancestors did. I look upon this as the principal cause of the disease of the animosity, and am convinced that its removal is the first and most essential condition of the cure. That is why I emphatically insist on my often repeated contention that only by the intervention of ecclesiastical authority may the principal source of anti-Semitism be stopped; for the disease can only be removed in the same way by which it came. If the Pope frankly and firmly defined the thing as a disease, all fair-minded people, especially the clergy, would look up and externally and internally applaud their Head. Then the journeys and travels of a Rampolla would be superfluous, as religious questions — and such a one is anti-Semitism in spite of the protests of Fritsch and his associates — cannot be dealt with along the same lines as secular politics."

Now, the anti-Semites deny that their hate of the Jews springs from denominational instincts; they are indignant at being charged with religious intolerance. Particularly the very first authors of this agitation in Germany, the leaders of the so-called Berlin movement in the latter half of the nineteenth century, protested against such an insinuation. But the movement would never have attained its strength, it would hardly have got beyond the boundary line of Berlin if Professor Rohling had not fertilized the soil in Germany. Rohling's insidious agitation from Münster, according to the evidence of the late professor Franz Delitzsch in Leipsic, contributed more to the spreading of the anti-Semitic poison in the German nation than all the

incendiary anti-Semitic meetings taken together. This inflammatory book, "The Talmudic Jew", went through seventeen editions, and, in a court trial the editor of the Catholic *Westphalian Courier* testified that the number of gratis copies of the Talmudic Jews in Westphalia was 38,000. When the reactionary leaders in Austria began a movement to overthrow a newly established liberal ministry, they soon perceived that anti-Semitism alone had ever proved to be sufficiently effectual to arouse the popular passions, to direct them toward a desired object and to utilize them for reactionary purposes, and so Professor Rohling, on being recommended from high quarters, was appointed professor in Prague, started their propaganda, and a wholesale distribution of his incendiary writings in Austrian provinces began. It was ascertained from the records of a trial before a court in Prague that in the German speaking provinces of Austria alone his newspaper articles against the Talmud and the *Shulchan Aruch* in book form reached the number of 200,000 copies, while of his book "Polemics and the Human Sacrifice of Rabbinism" 175,000 copies were made accessible to the public.

Rohling's incendiary articles in the Vienna daily "Tribüne" made me feel that it was imperative upon me to reply with utmost frankness and led to what was to me an experience of lasting effect, namely the action for libel which ended with his crushing defeat.

His slanders clothed in the garb of sham learning were a danger to the community at large. His virulent writings, calculated to inflame the masses, bristle with quotations from the Talmud and other Jewish works so as to foster the belief in the unenlightened reader that he had before him a genuine expert. The regular references seemed to guarantee the statements as safe. In fact, it was by no means an easy task to verify the quotations.<sup>1</sup> Besides, he used the quackish trick of declaring in

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(1) As a matter of fact, Rohling got his learning out of Johann Andreas Eisenmenger's (1654—1704) "Judaism Discovered". On looking closely we see, however, that the Prague professor was not even able to understand Eisenmenger's German translations, still less to check the original quotations. Johann David Michaelis (1717—1791) avowedly disliked the Jews, but referring

every new edition of his books that "he was ready to pay the round sum of 1000 Talers if Judah managed to get a verdict from the German Association of Orientalists that his quotations were fictitious and untrue". He knew perfectly well that the German Association of Orientalists was composed of Sanskrit scholars, Egyptologists, Islamists, Sinologists, Arabists, etc. and only to a very small extent of scholars who had specialized on the Talmud. The pompous appeal to the German Association of Orientalists as umpire was, therefore, simply buncombe. Consistently with his method of bluffing the many, he emphatically and repeatedly emphasized that he was appointed by His Imperial and Royal Majesty the Emperor Francis Joseph professor of Hebrew Antiquities, and that, therefore, he was an infallible authority on all questions connected therewith. Now try and imagine yourself in the place of the Vienna Jews. Rohling had asserted "that the Jew was authorized by his religion to exploit non-Jews in every way, to ruin them in body and mind, to destroy their lives, honour, and property, either by open force or clandestinely by cunning", and on the strength of this he had called on the powers that be "not to look on quietly any longer, but either to do away with such a people or to expel it". An anti-Semitic mob ready to carry out this suggestion was not far to seek. What might not happen in such a state of affairs! Panic spread among the Jews.<sup>1</sup>

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to Eisenmenger's book he says: "I think Eisenmenger's work to be scholarly, compiled with great industry and reading, and I often find it instructive as a book of reference; but it is extremely antagonistic and unjust, and if anybody wrote anything like it against one of the three religions acknowledged in the Roman Empire it would be considered a libel . . ." (*Oriental and Exegetical Library*. Part 15, P. 117).

(1) The Vienna writer, Clothilde Benedikt, relates in one of her Reminiscences: "When a child I remember being in the train between Baden and Vienna with my father, the professor M. Benedikt, the well-known neurologist. In the same compartment were David von Gutmann, the captain of industry, Siegwart Friedmann, the actor, and his brother, the Hungarian member of parliament. All the gentlemen were distracted over their morning papers. I remember only such exclamations as, "Horrible!", "The mad old book"!, etc. "If the Talmud really contains this", Friedmann cried, "every decent Jew

It was then that I made up my mind to grapple with the author of these incendiary writings. I wrote a long article in a very popular Vienna paper. It had a sensational success. Over 100,000 copies were rapidly sold, a second and third edition had to be issued to satisfy the enormous demand. The article was reprinted again and again<sup>1</sup>, and was translated into Hungarian, Polish, Czech, Italian. I proved that the gentleman "who had been appointed professor of Hebrew Antiquities by His Majesty the Emperor" had not the slightest qualification for such a chair. I proved by incontrovertible evidence that he was neither morally nor scientifically fit to criticize the Talmud; that his quotations from the *Talmud*, the *Shulchan Aruch*, and the *Zohar* were egregious falsifications, and in part sheer fictions; that he gave out Biblical passages as Talmudic texts, that he did not know the Church Fathers, that he slandered the Talmud on account of utterances which are literally to be read in the Fathers, and that he made it his practice to offer himself to the law courts as false witness on the strength of his official position.

By its popular style, the article convinced also the Christian readers that these grave charges against the professor were founded on facts.

The sensation created by my Answer to Rohling in the public opinion was reflected in hundreds on hundreds of telegrams and letters from all congregations of Austria-Hungary to the then young and absolutely obscure author. There came also letters from Christians — noblemen, professors in home and foreign universities. Many an artistically decorated address of thanks was handed me by deputations or delivered by post. Some of these letters deserve reprinting as historical documents.

Ostrau (Moravia) the President of the Congregation, Berthold Schwarz:

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ought to get himself baptized". — "How can you doubt it?" my father said in broken accents. "Can you imagine a Prague professor lying publicly?"

(1) Also reprinted in "Records and Reports in the Lawsuit Rohling v. Bloch." Vienna 1890. Vol. I.



You have deserved of Judaism more than for a hundred sermons from the pulpit. You have done us a service of love greater than perhaps you yourself or the men in the capital can imagine. In the big and protected palaces the howling of the storm is not heard, and the danger is not guessed to which a puff of wind exposes the struggling habitations in the country. Your performance is an auspicious event. May the God of Israel reward you!

Eperies (Hungary), District President Leo Hollander:

Treble thanks for your manly feat. You have done us an inestimable service in a grave crisis. You have wiped away a shame put upon us, you have restored our honour, and I tremble at the thought that such an achievement might be rewarded with mean ungratefulness.

Frankfort on Main. Gustav Meyer, Director of the German Commercial Association: At last a man, upright and single-minded, equipped with rich learning and manly courage to whom we may look up with pride.

Hanover. Geheimer Sanitätsrat Dr. Cohen: Cordial and sincere thanks for your most valuable article which is an honour both to the author and to Judaism and warms every Jewish heart.

Of the many letters addressed to me by distinguished experts I reprint two.

Erlangen. Dr. Koehler, Professor of Theology and Hebrew Antiquities in that university, and author of the Annual Reports of the German Association of Orientalists, wrote (Jan. 28, 1883):

By your article and Dr. Delitzsch's polemics, Rohling has been placed in such a light that he would do best to go into retirement altogether. I should think he would feel remorse at last on account of his dishonesty and his savage fanaticism.

Jena. Dr. Karl Siegfried, Professor of Hebrew Antiquities, Member of the Association of German Orientalists: "Indeed, it was a most unsavory business to have to deal with a man for whom the laws of morality do not exist, but it had to be done".

These crushing verdicts did not prevent Rohling from going on with his mischief-making. Wherever a Jew was a defendant



in a law court he offered himself as an "expert" ready to give evidence that Jews are allowed to commit any crime against Christians. At last, unmasked and uncalled, he intruded himself on the courts on the occasion of the ritual murder trial of Tisza Eszlar, offering to take an oath that it was an extremely sacred ceremony with the Jews to shed the blood of a non-Jewish virgin, that this blood was very acceptable to Heaven and procured to the Jews the mercy of God.

There was nothing left but to brand the man publicly and thus to compel him to appeal to the law, and to produce his quotations, his arguments, his whole learning before the law. This I did in a series of articles in the *Wiener Morgenpost* (July 1—4, 1883). There I said among other things:

"He repeatedly took a solemn oath on his fictitious quotations from the Talmud. An Imperial Royal professor with repeated perjuries to his discredit is unique even in the chequered history of Austria's universities . . ."

"At last a tribunal must be found before which habitual falsehood past shame and conscience shall be brought to account in accordance with truth and law."

"If, however, falsehood prostitutes itself in its shamelessness and fraud struts about in its barbaric nakedness it must be called by its name and recalled to decency."

"But the professor is ever ready and agog to take oaths, particularly then when he makes false assertions."

"The Professor of Hebrew Antiquities in Prague practises falsehood as a profession."

"Against this threatening danger of perjury on demand we must protect ourselves."

Then the man was made to understand also officially that prevarication was no longer possible and that in face of such charges nothing was left him "the professor appointed by His Majesty" but to appeal to the law. Thus compelled by necessity, not voluntarily, Rohling brought in an action for libel in the Vienna Law Court, and he boasted that he did it with the greatest pleasure because he would have an opportunity to prove to the world that which till then he had only confirmed by oath

and that he would be in a position to substantiate before such a reverberating tribunal as the capital of Austria his accusations against the religious writings of the Jews.

As, in the meantime, I had become a member of the Austrian Parliament, it had to give its consent to my being accused, which it did at my request. I declared at court that I was ready to prove the truth of all the charges I had brought against the professor and requested the Law Court to appoint official experts who were to examine and to elucidate all the passages concerned.

The Vienna Law Court applied both to the German Association of Orientalists and to the then Rector of the Vienna University, Hofrat Zschokke, professor of Catholic Theology, to recommend experts authorized to translate old Hebrew texts from Talmudic and Rabbinical literature. In accordance with the suggestions of these two gentlemen, the court appointed

Professor Theodor Nöldeke of the University of Strasbourg  
(proposed by the German Association of Orientalists)  
and  
Professor August Wünsche in Dresden  
(proposed by Hofrat Zschokke)

who were specially sworn in by the Law Courts in Strasbourg and Dresden respectively.

Now it was my task to put together the enormous mass of evidence which was to prove

(1) that Rohling had tampered with the passages which he made to serve as evidence for his assertions;

(2) that he quoted writings which do not exist.

I picked out over 400 texts from the Talmudic-Rabbinical literature from the 2d to the 18th century, some of which were those to which Rohling referred as corroborating his statements, some which served to give an insight into the inner meaning of the Jewish views of religion, morals, and law as they had developed in the course of the centuries in various circumstances.

In this collection not only all the quotations of Rohling's in his writings (The Talmudic Jews; — My Answer to the Rabbis;

— Polemics and the Human Sacrifice of Rabbinism), but also those from the "Jewish Mirror" of Dr. Justus of whom Rohling had said,

"Dr. Justus is not identical with myself, but his cause is my cause. The texts quoted by him are taken directly from the sources."

This mass of texts which in print filled 80 columns in folio were arranged by me in groups according to the subject-matter. Each text was provided with a number, and special questions were inserted. My commentary, addressed to the Law Court, had in print 42 columns in folio.

The Law Court transmitted the whole to Rohling (Jan. 1885) giving him leave to put on his behalf as many supplementary questions as he chose. Rohling did not make any use of this permission.

Thereupon all these papers went to the experts.

As I had quoted for the sake of my arguments many passages from the Fathers and early Christian Theologians, the well-known Vienna patristic scholar professor Pius Knoell, at the suggestion of the Vienna university authorities, was appointed as expert, sworn, and entrusted with the translations. For the writings of Agobardus of Lyons, professor Franz Weihrich was elected and sworn. For the Italian book of Paolo Medici quoted by Rohling, the Vienna notary public and official interpreter Dr. Leone Roncali was appointed.

At the end of June 1885, the Report reached the Vienna Law Court. It comprised 190 sheets. Copies were made and transmitted to both parties. The translations of the experts exposed Rohling's lies and falsifications in their whole wickedness: not one of his assertions held. All of them, all, with no exception whatever, melted like snow in the sun. The trial was looked forward to with extreme eagerness on all hands. Already the term was fixed: on the 18th of November the *cause célèbre* was to begin. Presently, a surprising thing happened: immediately before the public trial, Rohling withdrew his charge. He forestalled the verdict of the Court by speaking his own verdict. Without even the attempt at vindication, he pocketed the ignominious charge

of having sworn false oaths before law courts. By this act of suicidal cowardice he was branded, and with the stigm of perjury on his brow he could no longer remain lecturer in the university of Prague. He was sentenced by the Court to pay all the costs, and the minister of public instruction pensioned him off. The Opinion of Nöldeke and Wünsche with its translation and discussion of 400 passages of Rabbinical literature lays bare the roots of the vast and complex growth of Jewish Law and Jewish Morals. It is a thousand pities that this illuminating work has so far remained in manuscript, for there is an enormous demand on the part of the public for information about Jewish literature, and the worst type of literary hack thrives on this demand. The output of worthless and pestilential books on Judaism is incredibly great, and in certain circles the craving for this kind of literature is apparently insatiable. When a Mr. *Stephen Marugg* in Switzerland advertized a translation of the *Shulchan Aruch* by *J. Pavly*, there were in Austria among the subscribers — Princes *Alfred, Alois, Francis, and Henry Liechtenstein*, Countess *Clotilde Clam-Gallas*, Countess *Fünfkirchen-Liechtenstein*, Countess *Bloome*, *Berthold and Rudolf Khevenhüller*, *Zdenko Kinsky*, *Markgraf Alfons Pallavicini*, *Baron Drasche* . . .

The Vienna "Vaterland", since defunct, the organ of Feudalism in Austria, had the following paragraph:—

"This publication begins to excite the greatest nervousness in Jewish quarters. The 'Osservatore Cattolico' learns that the Chief-Rabbis of Berlin, Hamburg, Amsterdam, Copenhagen, Lemberg, and Cracow proclaim it a sin for Jews to subscribe to this work."

The same Roman paper reported that the Jewish law commanded simply to put the authors of such indiscreet translations out of the way.

A few years later, the "Vaterland" had to eat humble pie and to warn against "a gang of blackguards", first of all against the learned, the excellent Mr. Pavly. This worthy had pocketed the money of the subscribers and had discontinued the work. The public had been gulled into the belief that the *Shulchan Aruch* was "a secret book of the Jews" anxiously guarded from

alien eyes. As a matter of fact, this book had been translated into German by H. G. F. Löwe as early as 1837.

The hunger for "revelations" is constantly sharpened by the anti-Semitic parties, and the enormous circulation of such books as Rohling's "*Talmudic Jew*", Briman's (Justus) "*Jewish Mirror*", Dinter's "*Rays from the Talmud*" proves that the attraction of these stale, endlessly repeated forgeries and distortions is imperishable.

That is why I made the Opinion of Nöldeke and Wünsche the groundwork of this book. Nobody will be brazen enough to challenge the integrity, impartiality, and competence of these world-famous scholars.

As this work was not planned as a controversial weapon, but as a book of information and reference for all those who are in quest of enlightenment — jurists, theologians, publicists — the provisions of Canonical Law, the enunciations of the Church Fathers, and the maxims of Moral Theology are often quoted for comparative purposes.

Now and again I thought it appropriate to draw the attention of my readers to the question of how the religious commandments among Jews and Christians respectively are reflected in the conduct of life. There is no need to justify this comparison, odious as it may appear to many, in face of the anti-Jewish propaganda.

Thus the suggestion which Adolf Jellinek threw out in 1893 is carried out at last — late, but not too late — in this **Handbook of Jewish Apologetics**.



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## CHAPTER I.

# ARE THERE ANY SECRET LAWS IN JUDAISM?

### I. The Church Fathers and the Jews.

A catch-phrase to which German Jew-baiters first gave currency, and which the agitators never tire of repeating with great emphasis at all their meetings in order to fill the hearts of the naive and the credulous with terror, may properly be made the subject of the first short chapter.

This is the out and out invention of the absolutely false charge that there exist secret laws in Judaism.

Ernest Schneider, formerly a member of the Austrian Parliament, at the sessions of that body and of the Diet of Lower Austria as well as at numerous election meetings, frequently played upon the changes of this catch-phrase of secret Jewish laws.

In pamphlets which were circulated in Berlin in 1892 by the hundreds of thousands, one could read:

It is in the Talmud which, until now, has been anxiously and by all conceivable means kept hidden from the world, that the dreadful secret of Judaism lies concealed.

Th. Fritsch has the effrontery to say:

What guilty consciences the Jews must have that they conceal their religious laws so anxiously from the world!

The Jews are actually a secret society with clandestine principles and purposes!

Dr. Arthur Dinter also repeatedly conceives new variations of the theme of secret Jewish laws.

It is true that there did exist at one time *Christian* sects of whom it is said that they imposed upon their adherents the stern obligation of guarding as a profound secret the tenets of the sect.

Thus J. M. Mandernach (*History of Priscillianism*. Trier 1851, p. 13) writes:

The Priscillianists pretend that a law of theirs, in case of need, lays them under the obligation even to perjure themselves in order to conceal their doctrine. St. Augustine heard it himself from the mouths of former disciples of this sect.

Likewise St. Augustine, *Epist.* 237 ad Ceret. (Compare Mandernach *ibid.* p. 13):

They are said to have in their heresies an instruction to perjure themselves, if need be, in order to conceal their doctrine. Those who came to know them closely and who formerly belonged to them, but by God's mercy were rescued from among them, even remember the exact words of this instruction: 'Swear, swear falsely, but do not betray the secret!'

Timotheus (cap. 19 in Coteliers *Eccles. Graec. Monument.* vol. III, p. 400ff.) and John of Damascus (*Works*, ed. Lequien, vol. I, p. 89; compare also Ch. W. F. Walch, *Sketch of a Complete History of Heresies* . . . Leipsic 1766, vol. III, p. 518) write of the Massalians:

When asked about their doctrines, they deny them, curse everybody who accepts any such, and take an oath that they abhor them, because such a curse and false oath is no sin in one who took orders.

In Judaism such ideas could never become current. Notwithstanding this, Theodor Fritsch asserts:

In *Sanhedrin* 59a and *Chagiga* 13a it is taught that a Gentile who studies the Talmud, or a Jew who teaches a Gentile the Talmud deserves death.

To this, the late Geheimer Konsistorialrat Dr. Hermann L. Strack, then professor of Protestant Theology in the university of Berlin, replied in his book *Secret Laws in Judaism*, p. 8:

In *Chagiga* 13 ff., there are cosmogonic and theosophical speculations that were connected with the story of creation Genesis 1, and with the divine chariot Ezekiel 1: of the four learned men who entered "Paradise", that is, plunged into such speculations, only Rabbi Akiba came out unscathed in faith and perceptive faculties. In this connection Rabbi Asi said (end of third century A. D.): "The secrets of the doctrine are only transmitted to him who possesses the five qualities enumerated in Isa. 3, 3!" And then he proceeds: "The Torah must never be transmitted to a Gentile; for it is said in Psalm 147, 20: 'He hath not dealt so with any nation; and as for his judgments, they have not known them'." An individual interpretation, then, and not the laying down of a penalty. In *Sanhedrin* 59a Rabbi Iochanan (second

half of the third century A. D.) says: "A Gentile who takes up the Torah, deserves death; for it is written in Deut. 33, 4: 'Moses commanded us a law, even the inheritance of the congregation of Jacob.' In the face of this unauthoritative interpretation a saying of Rabbi Meir's, transmitted in *Baba Kamma* 38a and *Aboda Zara* 3a, is brought to mind at once: How do we know, that a Gentile who takes up the Torah is equal to a high-priest? In Lev. 18, 5, it is written: 'Ye shall therefore keep my statutes, and my judgments: which if a man do, he shall live in them.' It does not say: Priests and Levites, and Israelites, but: man, ha-adam." This sentence, by the way, is a conclusive refutation of the widely circulated falsehood, that the Gentiles, particularly the Christians, are not considered human beings in the Talmud.

In *Yalkut* on Psalm 29 § 710 the following fundamental axiom is found:

The saying of the prophet (Isa. 48, 16): "I have not spoken in secret from the beginning", is explained by R. Ami as follows: "God says: From the beginning I did not bestow it (the Torah) in a place of darkness, nor in a place of concealment, nor in a place of shadow, but the Torah was bestowed on Israel in the desert, in fullest publicity, in no man's land. For, if the Torah had been bestowed in the land of Israel, they would have said: The peoples of the world have no share in it. That is why it was bestowed in no man's land, in the desert, in the open air, in order to tell you: Whoever desires to possess it may come and take it."

Likewise *Mechilta Jithro* on *Exod.* 19, 2:

The revelation was openly bestowed in the desert (that is, no man's land); for, if it had been bestowed in the land of Israel, the Israelites would have said: The other peoples have no share in it. That is why it was bestowed in the desert, in no man's land, openly; it belongs to the whole world, everybody is at liberty to acquire it."

Maimonides answered a question of one of his disciples as follows:

It is permitted to teach the Christians (Nazarenes) the doctrines of the Torah; for they believe that this our Torah was revealed by God through our teacher Moses; it is completely set down in writing, although sometimes they expound it falsely, but so large a number among them deal righteously. *Resp. Peer ha-Dor* number 58.

This should be well known to all who are conversant with the subject.

In harmony with this Professor Weber says:

The Torah being the complete salvation as revealed by God was originally meant for the whole of mankind. This we find expressed in

the *Pesikta*, fol. 107 where it says that the Torah was given in the third month (Siwan) whose constellation is Gemini the twins. This in order to suggest that the Torah was given to both, to Jacob as well as Esau (the Gentiles) provided he did penance. That is why its revelation came about in a way perceptible to the whole of mankind. *Jewish Theology according to the Talmud*, 1897, p. 19.

A pamphlet (number 5) originating in Mecklenburg states: "It is written in *Libre David*, Whenever a Gentile asks a Jew for information about a passage in the rabbinical writings it is the duty of the Jew to expound it falsely; for if the Gentiles knew what we are teaching against them would not they kill us all?"

*Libre David*, of course, makes no sense; such a Hebrew word does not exist. Evidently is meant *Dibre David*. There are, it is true, three Hebrew books of this title; one of them printed in the 18th century in Amsterdam, the other two (of the 19th century) published in Leghorn and in Frankfort respectively. Strack obtained all the three books and declares briefly and to the point: there is nothing of the kind to be found in any of them.

The catchphrase of Secret Laws in Judaism or of secret traditions is a pure fabrication. We repeat in agreement with Strack: Within the whole of Judaism there is neither a publication nor an oral tradition inaccessible to learned Christians. The Jews neither try to conceal anything from the Christians, nor are they able to do so.

Even in remote times it was impossible to keep the Talmudic laws secret, because the first Apostles of the Church had themselves been trained in Talmudic schools.

One of the most important authorities in Mishna and Talmud was Gamaliel the elder, president of the Sanhedrin in the reign of Agrippa I. He was the author of a great many Talmudic laws of great significance (*Yebamoth* 116b; *Erubin* 41b; *Rosh Hashana* 23b; *Pesachim* 32a; *Gittin* 34b; *Sanhedrin* 11a; and in other passages).

The New Testament also mentions him.

When the Apostles were in prison and led before the board of Judges of the Senate, the president Gamaliel caused them to be released. According to the reports of the Gospels (Acts of the Apostles 5, 38-39) he said: "If this be the decree or the doing of man, it will not endure; but if it be from God you will not be able to destroy or to undo it." Exactly the same spirit of peacefulness and humanity inspires the laws of conduct towards Gentiles which are traced back, not unjustly, to Gamaliel. These laws command that the Gentile poor are to be fed like the Jewish poor, the Gentile sick to be nursed like the Jewish sick, and that the last honours are to be paid to their dead as to the Jewish dead. The Gentiles must be offered the salutation of peace in order to maintain peace among mankind (*Gittin* 61a; *Jerush. Gittin* 5, end).

Now the Apostle Paul reports that he "sat at Gamaliel's feet", that he was "taught according to the perfect manner of the law of the fathers" (Acts 8, 1; 22, 3; Galatians I, 13; 23).

Paul was originally a Pharisee and trained in the Talmudic school; but he nowhere mentions secret traditions or laws in Judaism.

The first 13 Christian bishops who succeeded one another in the primitive community of Jerusalem were Jews, and observed the law of Moses. This is attested by Eusebius (*Hist. eccl.* lib. IV, cap. 5) and Sulpicius Severus (II, 31). Jacobus the Just prayed daily in the Temple.

Origen used frequently to visit the school of a Talmudic Jew to ask his advice about difficult passages in the Bible. Origen calls the patriarch Jullos or Huillus his Talmudic teacher (*Selecta in Psalmos* I Introduction, p. 414), and he acknowledges that this Jew was his teacher in the knowledge of the correct exegesis; that he had learned much during his successive long sojourns in Judaea.

When he desired to write a commentary on the Psalms he took care to obtain the help of a Jew who disclosed their meaning to him according to tradition (Origines, *epist. ad Africanum* 7; *Contra Celsum* I, 45, 55, 56, II, 31).



"We pointed out before this", he says in his treatise *Contra Celsum*, "how superior and admirable were the institutions of the Jewish State as long as the city and the temple of God existed. Who wants thoroughly to investigate the purposes of the Jewish law-giver and to compare his legislation with that of the rest of the world will find that no people in the world deserve more admiration than the Jews... Here no gladiatorial combats were known..., no prostitutes were tolerated. And what a blessing that this people was trained from earliest childhood to lift its mind above the senses, to believe that God in his incorporeality could only be conceived spiritually! How useful that this people imbibed from the earliest infancy the doctrines of the immortality of the soul, of the penalties and rewards hereafter, and grasped it almost before it learned to talk... A people that is called God's own inheritance had to do this... The Jews should hold fast to their old laws not merely for the same reason for which the other peoples continue in theirs; they would certainly be deserving of punishment if they did not recognize the excellence and superiority of their laws.

Whatever Celsus may say to the contrary, the Jews have not only more sense and wisdom than the common people, but even more than those who call themselves philosophers."

The commentaries of the Syrian Father Ephraim, deacon of Edessa (died 378), are also crowded with elements of the Talmudic Haggada which he claims to have imbibed from a Jewish teacher "Ebroi".

One reads in Ephraim (Opp. I, p. 2, 115 b) even the legend that the garment made by God for the first man descended to Seth, Methusalah and Shem who wore it as a priestly gown. This legend had its origin in the consciousness of the Semitic tribe of its universal mission as a tribe of priests.

Father Justus Martyr who wrote against Judaism also knew the Talmudic Haggada, and if he had quoted only the single sentence from the Talmud (*Dial. cum Tr.* c. 8, p. 32 ff.), that the virtuous among the Gentiles enjoy eternal bliss (*Sanhedrin* 105 a) his high character might be inferred from that.

St. Jerome learned Hebrew under great strain and at an outlay of energy and time of which he often complains (*Ep. ad*

*Eustochium* XXII, 7, *ad. Rustic.* CXXV). After embarking (385) for Palestine he tried to acquire accurate knowledge of the country with the assistance of expert Jews from the Talmudic college in Tiberias. In 390 he wrote the treatise "Solutions of several difficult exegetic problems in Genesis according to Hebrew traditions" which is of lasting value and has met with universal approbation.

The Father took lessons of many Talmudists; very often he mentions in the commentaries an "Hebraeus, qui me in sacris scripturis erudit" (Am. III, 11; Nah. I, 6; II, 11; Zach. XLV, 10; Mal. II, 13). Also in *praef. II in Paralip.* he speaks of very learned Hebrews, Talmudists in whose company he travelled over the whole of Palestine.

One of his teachers he calls by his name: Baranina, i. e. Bar Chanina or Bar Rabba, of Tiberias, names which are often met with in the Talmud. Another time he mentions as his teacher a man of Lydda who passed for a notable scholar among the Hebrews. With the assistance of these Talmudists, Jerome created the *Vulgate*, since become canonical in the Catholic Church; they alone made it possible for him to undertake this task. In the book of *Tobit* he adopted this method: first the Talmudist translated the text from the Chaldean into Hebrew, then the Father translated it into Latin. In *Epist.* 140 he refers gratefully to the Chaldean teacher of whom he learned much; he calls the Talmudic Jews "Sophoi", i. e. savants, and is evidently familiar with their ways of teaching (*Epist.* 121 *ad Algasiam quaest.* 10).

Jerome's translation of the Bible found adversaries within the Church; he was denounced as an innovator dangerous to the faith. In his apologetic epistles he intimates that his pious adversaries are not inspired by the Holy Spirit, but by ignorance; they had better take lessons from the Talmudic Jews, and consult with them before they gave adverse judgment against his writings or some passages in them (Compare also *Praef. in Pent.*)

How highly the Father prized the Talmudic traditions is evident from the following passage:

This we derived from the innermost source of the Hebrews; we did not follow the course of erroneous opinions of which the whole world is full. Disheartened by this difference of opinions in the exposition of Scripture we endeavour to know and to teach what is true. *Ad. Marcellam, epist. XXVIII, 5.*

In another passage he says:

Even Origen, Clement, Eusebius and others, whenever they argue about Scripture, and want to prove what they assert, used to write in the following way: A Hebrew told me so; I heard it from a Hebrew; such is the opinion of the Hebrews. *Adv. Rufinum I, 13.*

The most eminent Catholic author of the 19th century, Molitor (*History of Philosophy* vol. I, p. 448, Münster 1857), points out that not only the above-mentioned Fathers, but also Tertullian took lessons of the Talmudists and embodied Talmudic traditions in his writings.

Not a single one of these Fathers so much as hints at the conjecture that the Jews had any secret laws which they sought to conceal from the Christians.

## II. Translations of the Talmud.

In his speech of November 16, 1899, in the Austrian Parliament, Dr. Robert Pattai alleged that the Jews prevent and thwart every attempt at translating the Talmud.

Similarly, Paul Foerster of Berlin-Friedenau, in his lecture on Talmud and Shulchan Aruch on April 11, 1892, tried to make his audience believe that Dr. Pinner who had begun to translate the Talmud was poisoned by the Jews, after he had finished the first treatise *Berachoth*.

How far these insinuations are from the truth appears from the fact that the translation of the Talmud so often has been undertaken by Jews as well as by Christians, that even a "*Critical History of the Translations of the Talmud*" could be written. The author of this book is an Aryan Christian, Dr. Erich Bischoff (J. Kaufmann, Frankfort, 1899).

From this instructive book we learn that the Talmud was translated at a very early date into the languages of the coun-

tries in which the Jews lived; besides, there exist translations of the Talmud in modern languages (German, English, French).

This is not the proper place to enumerate them; we refer to Strack's *Introduction to the Talmud*, and Hamburger's *Biblical and Talmudic Encyclopaedia*.

Dr. Goldschmidt in Berlin undertook to translate the Babylonian Talmud; he finished several parts of it.

Moses Schwab (assistant librarian in the Bibliothèque Nationale in Paris, born on the 18th September 1839) translated the Palestinian Talmud completely into French.

Before him, Blasius Ugolinus translated twenty treatises of the Palestinian Talmud into Latin.

"It is remarkable", says Erich Bischoff, "that the age of Lutheran orthodoxy, especially the 17th century, produced the greatest number of Christian Talmudists and exhibits the most intensive study of the Talmud. Christian students were eager to get Jewish teachers to help them in the study of the Talmud. Joh. Chr. Beckmann, afterwards professor in Frankfort, was 22 years old when he took lessons of Jacob Abendana (1663); Theodore Dassow was taught by Isaac Abendana, likewise Joh. Wuelfer who at fifty 'studied, under the direction of a well-versed rabbi, the Bible, the Commentary and the Mishnah for five hours daily' in Fürth (Zedler, *Universal Lexicon* volume XLIX, 789); also in Fürth, Adam Andreas Cnollen attended the Jewish lectures on the Talmud (Schiur; Wolf II, 718). Leusden, Coccejus, Surenhuysen and others had lessons from Jews, some of them at a very early age, Leusden and Coccejus in Amsterdam."

Notwithstanding this, Dr. F. C. Baron of Langen published a paper, "*Talmudic Deceptions. The Jewish Secret Law and the German Diets*," which Gustaf Dalman, a prominent Christian expert of the Talmud, reviewed in the Leipsic Literary Theological Gazette as follows:

This booklet shows what notions ignorant people, deceived by other ignoramuses, entertain of Jewish law. The Jewish law has this in common with all spheres of knowledge that it is a secret for those who did not study it. The Talmud to them is a secret law, and yet they know how to tell all sorts of execrable things about its contents.

A similar story is told by Joh. Christof Wagenseil, professor of Oriental languages and one of the best-known experts in

rabbinical literature who translated several treatises of the Mishna, in the preface of his book "*Lessons in Yiddish, and The Talmudic Treatise on Leprosy*" (Frankfort 1715).

The zeal against the Jews and their books is sometimes altogether too vehement; it means well, but it certainly arises from want of judgment. Some years ago a certain State of the Realm, of the Augsburg confession, granted the Jews the license to put up a printing-press in its territory. This displeased the pastor of the place, and he took every opportunity in his sermons to mention what a great sin it was to give the Jews the power to print books which were full of blasphemies against God and Jesus Christ and the Holy Virgin and of insults against our soul-saving doctrine of faith. As the clergyman did not stop his accusations against the Jews, they complained of him to the sovereign, submitting to him everything that had been printed up to that time, and entreated him to prevail upon the clergyman to point out the blasphemies in their books. The clergyman was enjoined to do so, but as he could not possibly manage it, he came to me and entreated me to mark the blasphemies in the books which he sent over, because if he failed to prove what he had reproached the Jews with, he would lose his ministry. I sent back the books with the report that they were free of blasphemies, warning him henceforth to abstain from a denunciation for which there was neither reason nor proof.

Finally the opinion published by the teachers of Old Testament philology in the Protestant Faculty in Halle may properly be cited.

The opinion runs thus:

The undersigned gladly certify that the talk of secret Jewish writings rests on trivial grounds. The actual fact for which the initiated needs no proof is that there is within the whole of Judaism neither a written nor a oral tradition inaccessible to learned Christians. E. Kautzsch (Professor, Dr. of Theol.), Rothstein (Professor, Dr. of Theol.).



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## CHAPTER II.

### GOD'S FUNDAMENTAL LAWS FOR THE GENTILES.

The second question of fundamental importance which must be answered on the evidence of an unbiassed examination of the sources is —

How do the Jews regard Christianity from the point of view of Traditional Law?

The Talmudists had no occasion to approach this question; they lived in the New-Persian realm where Christianity was only known by hearsay, from obscure reports. The sporadic hints in the Talmud about the new religion are so vague that it is simply astounding how little the Talmudists know of the origin of Christianity.

Notwithstanding this, the Jewish theologians and teachers of law had in former times numerous causes and occasions for putting this question to themselves —

What is the destiny and future of the civilised Gentile peoples in respect of religion?

The Christian Church had no immediate concern with such a question, and people, therefore, gave it little attention. The beautiful maxim in the New Testament, In my father's house are many mansions (John 14, 2), did not penetrade into the centre of ecclesiastic lore whereas the opposite aphorism, Extra Ecclesiam nulla salus (compare Acts 4, 12), won all minds, Christianity entered the world with the aim of becoming the religion the world, of subjugating all nations. Christ is the only answer to all questions. The conviction of being in possession of the ab-

solute and only truth, in conjunction with the command to love one's fellow-beings naturally imposed the duty of leading all who live outside the pale of the Church along the path of truth and the salvation of the soul and draw them into the sphere of the Church. It was the love for mankind which prompted the great Apostle Paul to extend his restless journeys over the Roman Empire in order to convert mankind. St. Augustine, animated with the same spirit, deemed it an act of cruelty to neglect any available means of teaching anybody who had not got the true creed.

Zeal to propagate the Jewish religion, and to subjugate the nations to it, was so foreign to Judaism, that the saying "The Proselytes are an ulcer in the sound body of Judaism" became current among the Talmudists.

The recitation by the religious Jew's twice daily of Psalm 145 and his praising God for being kind to all his creatures, and embracing them all with his mercy precluded the conception that all nations except Israel were to be turned away from before the face of the Lord. Was it possible that the Creator of the universe should not care for the peoples whom he had created and who live scattered on his earth, and that he should make only the Jews the object of his forethought, and that he should give only to them laws and doctrines so that they should be just, kind, and pious, and enjoy eternal bliss?

The following significant teachings are transmitted in the names of three Tannaim of the highest authority who lived in the first century A. D.

He (R. Akiba) used to say: Man is beloved, for he was created in the image of God; very great love was shown him, that he was created in the image of God, as it says (Gen. 9, 6): for in the image of God made he man. The Israelites are beloved, for they are called the children of God; very great love was shown them, that they are called children of God, as it says (Deut. 14, 1), You are the children of the Lord your God" (*Pirke Aboth* 3, 14; N. and W. 164).

Ben Azai teaches: Highly valued as the commandment must be, 'Thou shalt love thy neighbour as thyself' (Lev. XIX, 18) the sentence 'This is the book of the children of Adam' (Gen. V, 1), the doctrine of

common parentage, of the family unity of the human race is in the last resort of superior weight. *Jerushalmi Nedarim* 9, 4.

R. Nehemiah says: A single human being outweighs the whole creation. *Aboth de Rabbi Nathan* cap. 31.

Such a hymn in praise of humanity divested of all national attributes bars the conception that all the nations other than Israel are doomed to eternal perdition. Or were all the tribes of the globe to submit to the ritual laws of the Jews, to receive the Abrahamic covenant, to put on phylacteries, and to regulate their lives according to the precepts of the Torah? This is hardly thinkable. The ritual laws of the Torah are so closely bound up with the history, the experience, and the origin of the Jewish people that one could hardly expect the Gentiles to accept them. Ought they also to celebrate the Exodus or commemorate our forefathers' wandering through the desert that lasted forty years? What religious scheme has Providence for all the peoples of the globe? Is there no dogma for them, no revelation, no law, no religion? Were Adam, Noah, Sem, Malki-Zedek, was the whole of mankind before the appearance of Moses in history, without superior insight, without moral discipline, without religious ideas? Did Adam and the first human beings receive no dogma, no rules for their conduct of life? They had no laws of the Torah, no symbols nor rituals of the priestly religion, and yet Noah is called a pious and just man. The Bible devotes a whole book to Job, the Gentile, the most magnificent monument of Hebrew literature. He is not a descendant of Abraham, he knows not the Torah, he celebrates neither Sabbath nor Jewish festivals, knows nothing of dietary laws, and yet the Bible calls him a truly pious, noble and godly man, such as God saw nowhere else on earth. The Bible describes him as "eyes to the blind, feet to the lame, father to the poor" (Job XXIX, 15). Moses himself, according to the Talmud, wrote this book. Here was classical proof that one could, without being a Jew and without knowing the Jewish ritual laws, occupy a very high station in the eyes of God, the highest pinnacle of piety.

Now, what laws must the Gentiles be they Semites or Aryans

— the sons of Noah as contrasted with the sons and descendants of the Patriarch — take as their rule of life in order to rank before God equally with Job and Noah? What were the laws that Noah and his sons obeyed that their life was pleasing to God?

The answer to these questions is to be found in an old lesson of the Talmud which lays down seven fundamental articles of a universal religion; the salvation of the children of Noah depended on the observance of these articles.

Our masters taught: Seven commandments were given to the children of Noah — (to practise) justice; (to avoid) blasphemy, idol-worship, lust, blood-shed, robbery and eating flesh cut off from an animal while alive. R. Chirka added the prohibition of castration, R. Simeon that of sorcery. R. Chananya, son of Gamaliel, added also the blood of life (of animals). *Sanhedrin* 56; N. and W. 2.

Nöldeke and Wünsche add in elucidation:

The commandments for the descendants of Noah as enumerated here are meant for all human beings, but there are added to the number a great many special laws for the Israelites only.

He who observes the seven laws impressed upon the sons of Noah is called *Ger Thoshab*, i. e. sojourner-proselyte, in contrast to *Ger Zedek* (righteous proselyte), the complete proselyte, who accepts Judaism with all its religious doctrines.

Who is a sojourner proselyte? He who in the presence of three associates (learned men) undertakes not to commit idolatry. Thus R. Meïr says. But the wise men (i. e. the learned men) say, he who takes upon himself the seven commandments which the children of Noah took upon themselves. *Aboda Zara* 64b; N. and W. 3.

Nöldeke and Wünsche add:

The words "in the presence of three associates" are absent in several copies just as they are absent in several parallel passages. See Rabinovicz on this passage.

Rohling and Justus suppressed these passages. If one considers these seven commandments of the sons of Noah, one will

find among them only one positive commandment which calls for legislation regulating the relation between man and man.

All the other commandments are purely negative, forbidding what civilization itself condemns as intolerable. Paul in addressing himself to the Gentiles, started from this doctrine. When reading in the Gospels (Acts 15, 29; 21, 25) that the Apostles had concluded not to lay any other burdens on the Gentiles except "that ye abstain from meats offered to idols, from blood, and from things strangled" we are reminded of the doctrine of the Tannaim of the Fundamental Laws of the Sons of Noah. But while the Apostles demanded, as the first condition of salvation and guarantee of blessedness, the "belief in the grace of Jesus Christ", the Tannaim made no conditions of belief whatsoever. Whatever else the content of the religion and cult of peoples may be, so long as they do not offend against these seven fundamental principles of morality, their religions are on a plane of perfect equality with that of Israel, and their adherents have a share in the life to come, for they belong to the **Righteous among the Gentiles**.<sup>1</sup>

The following discussion about the interpretation of Ps. 9, 8

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(1) Fr. Delitzsch (*The Great Delusion* II, p. 14) calls it a "revolting heresy" of the Apostle Paul who, in the Epistle to the Ephesians (2, 10f.) assumes that all Gentile peoples had been left for thousands of years without any hope and without God. "How unspeakably narrow-minded and petty!" he exclaims. The Old Testament is not to blame for this. According to the conception of the Old Testament the other nations are not forsaken by God either. And they had access to God without the mediation of Israel."

The same applies to the Talmud. Its doctrine of the seven commandments which show the sons of Noah the way to virtue, godliness, to a life agreeable to God, to salvation, forms the strongest contrast to the doctrine of Paul for whom the expiatory death of Jesus is the only and exclusive source of salvation and beatitude. If there be another way possible, then Jesus Christ, as Paul urges against the Judaists, died in vain. (Gal. II, 21.)

In Mark. 16, 16 and in several passages of John it is declared, in the name of Christ, that all those who do not believe in him are doomed to judgment, to death, to the wrath of God. In him and in his name only is salvation; without him is eternal death and damnation.

Friedr. Delitzsch undoubtedly knows that his heavy cannon shot does not hit Judaism, but another object.



has come down to us from the time of Bar Kochba's rising against the tyranny of Rome.

R. Eliézer says, All the Goyim have no share in the life to come, as it is said Ps. 9, 17, "The wicked shall return to the nether-world, even all the nations that forget God". The words "The wicked shall return to the nether-world," mean: the wicked among the Israelites (thus, according to the opinion of R. Eliézer the second half of the verse means, the Goyim).

But R. Joshua replied, If the Scripture said merely, "The wicked shall return to the nether-world, all the nations", and had stopped then (i. e. had added nothing else) I should be of the same opinion as you; but since the Scripture says (expressly), "that forget God", it follows that there are also righteous ones among the nations who have a share in the life to come. *Tosefta Sanhedrin* 13, 2; N. and W. 4. *Talmud Sanhedrin* 105a; N. and W. 44.

Not only thought and speculation, but also transmitted facts, orations of the prophets, experience of life lead to the same conclusion, namely, that virtue and righteousness are not exclusively in the possession of Israel. The Pentateuchal law against the Canaanitic peoples is indisputably one of cruelty and harshness. The purpose of the lawgiver to raise the Egyptian slaves who, through the degrading drudgery of centuries, had been morally, mentally and physically stunted, to a nation with an independent state, a highly moral conduct of life, a pure conception of God, ideal social institutions — this stupendous undertaking required heroic measures. In the midst of a world submerged in immoral fetishism, these degraded slaves were to be trained to believe in an invisible Creator of heaven and earth whose commandments first of all insist on moral conduct. To provide latitude for such a national creation and to protect its future from pernicious influences, a fight to the death against idolatry had to be undertaken and carried through without mercy. The social abominations of the Canaanitic peoples, — the burning alive of children, the lust prescribed by the law and consecrated to the deity, were calculated to excite aversion and horror. Bel and Mylitta, Baal and Ashera, Dagon and Baaltis — different names for practically the same idols — were the representatives of cruelty and unchastity; even their symbol of God gives evidence of a shamelessness which excited the disgust of the morally regenerate.

Even in the Greek Temple of Aphrodite, shameless prostitution was the most important part of the divine service and was practised by the priestesses. Hence the eternal admonition "not to commit the atrocities of the Canaanitic peoples, those atrocities for which these peoples are an abomination and therefore exiled" (Ex. 23, 33; Lev. 18, 3; 20, 23; Deut. 20, 18.) Should they follow in the wake of the degenerate Canaanitic peoples they are threatened with the same fate that was inflicted on the Canaanites, "in order that the land may be cleansed of such abominations". If in later Judaism, idolatry, unchastity, and bloodshed were declared deadly sins, it was because these three abominations were united in the cult of the Canaanitic peoples, of Baal and Moloch. Hence the severity against the back-sliders who again and again were seduced by the cult of the senses; hence the invectives of the prophets who vie with each other in expressing their horror of idols and idolatry.

On the other hand, one meets in old chronicles and in the orations of the prophets with passages full of kind sentiments, even of admiration, for Gentile peoples.

At the consecration of the first Temple in Jerusalem, King Solomon sent up a prayer to God: "Moreover concerning a stranger that is not of thy people Israel, but cometh out of a far country . . . . when he shall come and pray toward this house: Hear thou in heaven thy dwelling place, and do according to all that the stranger calleth to thee for" (I. Kings 8, 41 ff.).

God sends a prophet into the city of Gentiles, Niniveh, to save it from destruction. And the destruction is averted through the remorse and penitence of the inhabitants though they do not adopt the laws of the Torah.

And the prophet Isaiah (19, 25), speaking in the name of God, says: "Blessed be Egypt my people, and Assyria the work of my hands, and Israel mine inheritance". Finally Malachi, the last of the prophets, said to Israel in great wrath: From the rising of the sun, even unto the going

down of the same, my name shall be great among the Gentiles. But ye have profaned it (I, 11 ff.).<sup>1</sup>

That not all the Gentiles were wicked numerous facts proved; one met with Gentiles of high civilization, often of moral conduct of life; one saw among them enlightened men and women, noble kind beings who practised the dictates of humanity, though they had not heard the voice of God from Mount Sinai; poets, philosophers. Thus the question pressed for an answer: Did the laws of the Pentateuch against the Canaanitic peoples apply to all the peoples of the Gentiles, and the whole of pagan mankind? The result of this earnest speculation found its expression in a fundamental principle which we read in *Chullin* 13b (N. and W. 1):

For R. Chiya, the son of Abba, spoke in the name of R. Jochanan, The Nochrin (Gentiles) abroad (i. e. outside Palestine) are no idolaters, they only adhere to the faith of their fathers.

N. and W. add:

Therewith it is decreed that the laws concerning idolators in their strict sense were only meant for Palestine, just as in the Pentateuch they were given for Palestine only.

That this is actually a fundamental doctrine and not the occasional saying of one particular teacher is proved by the reference to the great authority R. Jochanan, and the fact that this recurs again and again down to a very late time, for it is met with literally in the Tosaphists *Aboda Zara* 2a, *Sanhedrin* 63b, *Bechorot* 2b, in Joseph Caro's *Beth Joseph*, the basis of the *Shulchan Aruch*, 148, as well as in the commentary *Sifthe Cohen* on the *Shulchan Aruch*, *Yore Deah* 123, number 2. In other words: the laws of the Pentateuch against the idolators were exceptional laws against the Canaanitic peoples in Pales-

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(1) Pliny the elder (*Hist. Nat.* V, 70) calls Jerusalem "longe clarissima orientis, non Judeae modo". The Sanctuary of Jerusalem which Tacitus (Reinach, *Textes d'auteurs grecs et romains relatifs au Judaïsme* 324) designates as "ultra omnia mortalia illustris" enjoyed the veneration by the neighbouring peoples to a degree which astonished Strabo (XIV, 27). The pagan kings of Asia sent presents to the Temple at Jerusalem (Josephus, *Ant.* XIV, 7).

tine and were limited in their application to the idolaters in the holy land and the worshippers of Moloch and Baal who have long since disappeared.

Wahrmund, sometime professor in the Oriental Academy and lecturer in the University of Vienna, writes in *The Law of Nomadism*, p. 56:

The commandment for the extermination of the Canaanitic peoples repeatedly pronounced in the Old Testament is applied by the rabbis to all idolaters.

An expression of ignorance which can scarcely be exceeded.

There was a tendency towards universalism also in other directions. In *Berachoth* 28a we read:

An Ammonite once came into the meeting of the Jewish law-teachers and asked: "Could not I be admitted into the union of Judaism?" "It must not be," answered the president, "for it is written: 'Neither the Ammonite nor the Moabite are permitted to join the community of God'."

Thereupon one of the most prominent members of the college rose and said: "It is permitted. The biblical prohibition is not in force any longer, for King Sennacherib through his many successful campaigns jumbled together all the nations, so that to-day it is impossible to ascertain precisely to which tribe a man belongs." The majority decided on these lines, and from that time on Ammonites were admitted into Judaism.

The declaration of the Talmudists that the laws of the Pentateuch against the Gentiles are not valid any longer can only be duly appreciated if one considers the attitude of the Church towards similar questions. The teacher of the Church Julius Firmicus Maternus in the 4th century A. D. calls upon the emperors, in a spirited address, to exterminate idolatry, referring to Deut. 13 the contents of which he declares to be current law. The same chapter 13 is cited in *Corpus jur. can. Decretum Gratiani* II P. Causa XXIII quest. V. e. 32, and upon it is based the statute: The princes of this world must not spare the worst. It states expressly: If these regulations concerning the worship of God and the loathing of idols were observed before the advent of Christ how much more are they to be observed after the advent of Christ.

By this it appears that the ecclesiastical laws, as late as the

12th century, consider the rules given in the Pentateuch against the idolaters of Canaan as a obligatory law of perpetual force.

The reference to chapter 13 of Deut. is especially interesting because the Talmudists denied the authority of this particular chapter for the past also.

For it was taught: There never was and never will be a disobedient and rebellious son. Why was the law (Deut. 21, 18—21) concerning him written down? Investigate and find reward.

For it was taught: There never was and never will be an outlawed town. Why was the law (Deut. 13, 13—18) concerning it written down? Investigate and find reward.

For it was taught: There never was nor will be a house struck by leprosy. Why was the law concerning it (Lev. 14, 33ff.) written down? Investigate and find reward. *Sanhedrin* 71a; N. and W. 123.

Thus the passage in the Talmud declares without further ado that the law in Deut. 13 was taught only theoretically, but never was and never would be practised. Thus the Talmud makes out three whole chapters of the Pentateuch as null and void, as citing cases that never happened in the past, and still less likely to happen in the future.

Notwithstanding this, the Mishna and Talmud devote extensive treatises with executive provisions to these three chapters of the law. (*Sanhedrin* 68 b, 111 b, Mishnah treatise *Negaim* 12 and 13. Likewise Maimonides in the code of law *Mishne Torah*, *Mamrim*, section 7; *Akum* 4; *Tumath Zaraath* 14.) The Talmud, then, declares that the practical use of the three chapters of the law is out of the question; it was unthinkable in the past and would be so in the future. Nevertheless the theoretical study of the executive provisions remained meritorious. No relic of antiquity is thrown on the scrap heap, and, just as in the evolution of all law the previous stages are quoted, so the study of these and similar chapters, grown obsolete, is regarded as pleasing to God.

This clearly expressed principle not to discard ancient thought, but to leave it in its place even though it had practically lost all authority, because the study of whatever was taught once remains meritorious: this idea dominated the authors of the Mishna and Talmud as well as all the codifiers of later



times, from the *Mishne Torah* of Maimonides to the *Shulchan Aruch*. They are ignorant of this fundamental doctrine and of the views of the Talmudists and Rabbis, who because of the mere presence of some rule in the Talmud or *Shulchan Aruch* infer that it was actually applied in the practice of the time.

Again it is evident from all this that it is wrong to misapply the term *Gentiles* indiscriminately to all non-Jewish peoples referred to in the Talmudic precepts and laws.

In the spirit of Jewish theology we must distinguish between civilized races and degraded idolaters. The seven Noachian commandments completely embrace the fundamental principles of Christianity and Mohammedanism, both of which, according to the Jewish views and doctrines, were to be recognised as truly national religions. Any Christian or Mohammedan who observes the dictates of humanity in his religion is, as a matter of course, in his quality as *Ger Toshab*, as a sojourner-proselyte, on an equal footing with every Jew.

His bread, his wine and his oil are clean (for use); one must not overreach him, nor keep him out of anything, nor owe him his wages over night, his place of residence must not be inferior or near the frontier, but you must settle him in a fine place of residence, in the middle of the land of Israel, in a place where his trade supports him, for thus it is written (Deut. 23, 17): 'He shall dwell with thee, even among you, in that place which he shall choose in one of thy gates, where it liketh him best; thou shalt not oppress him'. *Gerim*, Section 3.

Likewise *Sifre* on Deut. 259. And this conception of the status of the peoples other than Israel is common to the whole Jewish legal literature, and is to be met with in the authors of all centuries.

"Wherefore if ye hearken . . ." (Deut. 7, 12.) What goes before? "The Lord did not set his love upon you, nor choose you, because ye were more in number than any people" (Deut. 7, 7). This means: Not because you are more in number than any people, not because you observe commandments (divine precepts) more than they do, for the nations observe commandments that were not given to them (as they were given to you) better than you, and they exalt my name more than you, for it is written (Malachi 1, 11): "For from the rising of the sun, even unto the going down of the same, my name shall be great among the Gentiles." *Tanchuma* on Deut. Par. Ekev; N. and W. 5.

God showed himself even more complaisant to Moses. "In respect of persons (partiality) of any consequence before me, whether an Israelite or a Goy, a man or a woman, a slave or a woman slave? If somebody hath fulfilled a commandment the reward is close at hand; for it is written (Psalm 36, 7): Thy righteousness is like the great mountains. *Yalkut Shimeoni* I, 76 on *Lech Lecha*; N. and W. 6.

It is written (Psalm 132, 9): Let thy priests be clothed with righteousness; and let thy saints shout for joy. 'Thy priests,' these are the righteous of the nations of the world (Gentiles), for they are priests of the holy one, blessed be he! in this world as e. g. Antoninus and his associates *Yalkut* on *Isaiah* c. 26, number 429, page 785; N. and W. 7.

The sixteenth commandment is, that it is incumbent on us to keep the sojourner-proselyte alive, and to save him from distress, i. e. if he falls into a river, or a ruin crushes him, to make every effort to rescue him, and when he has fallen ill to endeavor to bring about his recovery; how much more is this incumbent upon us if he is one of our brethren, an Israelite, or a proselyte of justice, particularly if it is a matter of life and death which abrogates even the Sabbath.

This the Almighty said (Lev. 25, 35): And if thy brother be waxen poor, and fallen in decay with thee, then thou shalt relieve him; yea, though he be a stranger, or a sojourner; that he may live with thee. Moses ben Nachmann (1250) in Spain, *Sefer Mizwoth*, number 16 of the Commandments; N. and W. 8.

Concerning a Nochri who zealously practises the seven commandments of the children of Noah, take care. It is forbidden to deceive him; give him back what he has lost, and do not slight him, but honour him more than an Israelite who does not study the Torah. Juda ben Samuel of Worms (1200), *Sefer Chassidim*, number 358; N. and W. 8.

Look at the seven Noachian commandments, &c. From this passage (of the Talmud) we may gather that the law of all those who observe the seven commandments is binding on us as our law is binding on them, and as a matter of course, the law of all those peoples who are restrained by religious and secular statutes. Thus Meïri of blessed memory. Menachem Meïri (about 1300 at Perpignan), *Schitta Mekubetzeth* on *Baba Kamma* 38b; N. and W. 9.

N. and W. add:

This decision is clear: The Christian peoples are placed on a footing of equality with Jews in respect of all laws of intercourse and all peculiar matters, by a Rabbi writing in France about 1300 A. D.

The category of the Goy who is no idolater is by no means an invention of the Talmudists as a make-shift in order to build

a bridge and to find a compromise between old rude times and later ones with milder manners and enlightened views. The Goy, the non-Israelite, the alien who is no idolater is met with in the remotest time of Jewish history, was at home in the Jewish State, and numerous essential provisions of the law in the Pentateuch are devoted to him. Palestine, the small country, about 600 English miles long and 40 miles broad, with a large population that lived exclusively on agriculture and the produce of the soil accommodated in its palmy days, in the reign of Solomon, 153,000 strangers (II. Chron. 2, 16). King Solomon employed them in the public works of the commonwealth. In the courts of the kings, pagan strangers held offices and dignities (I. Sam. 21, 8; 22, 9; II. Sam. 5, 19; 11, 3).

The law of naturalization (Ezek. 47, 22) is of great importance; it runs thus:

So shall ye divide this land unto you according to the tribes of Israel. And it shall come to pass, that ye shall divide it by lot for an inheritance unto you, and to the strangers that sojourn among you, which shall beget children among you; and they shall be unto you as born in the country among the children of Israel; they shall have inheritance with you among the tribes of Israel. And it shall come to pass, that in what tribe the stranger sojourneth, there shall ye give him his inheritance, saith the Lord God.

Now the question is: who is the "Ger" (stranger) who, upon the occupation of Palestine, was to receive territory on the same basis as Israelites? The expression "Ger" implies without doubt an alien, for a distinction is always made between the "Ezrach" and the "Ger" (e. g. Lev. 16, 29), between the "House of Israel" (Beth Yisrael) and the "stranger" (Ger), between the "community of the children of Israel" and the "Ger" (Num. 15, 26). The "Ger" was not a proselyte either. In Deut. 14, 21 one reads the precept: "Ye shall not eat of anything that dieth of itself; thou shalt give it unto the stranger that is in thy gates, that he may eat it; or thou mayst sell it unto an alien." Consequently the "Ger" was not subject to the religious law that was binding on the Israelites.

In Deut. 14, 21, it says: Ye shall not eat of any thing that dieth of itself; (thou shalt give it) unto the stranger that is in thy gates, i. e. to

the sojourner-proselyte who undertook not to worship idols, but who eats carrion i. e. meat of cattle that dieth of itself. Rashi on Deuteronomy 14, 21; N. and W. 156.

To this "Ger", then, applies the fundamental charter, "One ordinance shall be both for you of the congregation, and also for the stranger" (Ex. 12, 49; Lev. 24, 22; Num. 15, 15; Deut. 1, 16). Wherever the lawgiver touches on the law of the stranger, he sounds a note of sympathy that touches the heart: "He doth execute the judgment of the fatherless, and widow, and loveth the stranger, in giving him food and raiment. Love ye therefore the stranger: for ye were strangers in the land of Egypt" (Deut. 10, 18; 19.) And again we read in Lev. (19, 33; 34): "And if a stranger (Ger) sojourn with thee in your land, ye shall not vex him. But the stranger that dwelleth with you shall be unto you as one born among you, and thou shalt love him as thyself; for ye were strangers (Gerim) in the land of Egypt". The reference to their having been strangers in Egypt shows distinctly that it is a question of aliens in race and religion, just what the Hebrews were in Egypt. As if the ancient lawgivers had had a foreboding of the damp dungeons with their pestilential exhalations and the cruel camps of internment in which the nations of the 20th century have penned aliens, they are particularly careful to provide for wholesome places of residence being assigned to strangers (*Sifre* on Deut. 23).<sup>1</sup>

One of the curses in Deuteronomy runs thus: "Cursed be he that perverteth the judgment of the stranger, fatherless, and widow" (Deut. 27, 19). The six cities of refuge in case of unpremeditated manslaughter — a Mosaic measure against blood-feud, vendetta — are also open to the stranger (Num. 35, 15).

Michaelis, *Mosaic Law* (2d edition 1793, II, p. 399), states:

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(1) Thus the believing Christian Johannes Nickel (*The Old Testament and Charity*. Münster 1913, page 49) testifies: Seen in its true motives the aloofness of the Israelites from aliens, as is evident from the facts, did not spring from narrow-minded, fanatical hate of strangers, but was determined by fear for the purity of the belief in God and the strict observance of the Mosaic cult laws. Where such fear was unnecessary they did not hesitate to practise the general precepts of charity and mercy towards aliens as well.

Moses commands, so far as a lawgiver can do it, love of strangers, and includes them expressly in the connotation of fellow-men whom one must love as oneself."

The eminent professor of Sanskrit, Max Müller of Oxford, said in one of his lectures:

The idea of humanity and of loving-kindness as we find it in the Old Testament is foreign to the Aryan peoples. A feeling like: One ordinance shall be both for you of the congregation, and also for the stranger, for I am the Lord, your God! would strike the poets of the Veda, and even Homer as peculiar.

In a paper on the history of hospitality the eminent jurist Rudolf von Ihering writes:

The race which gave the modern world the conception of humanity and love without regard to creed is rewarded by anti-Semitism which denies them both.

In the year 1906, the Prussian Government decreed a wholesale expulsion of the Russian Jews; this measure was sharply criticised in the liberal daily papers. In defence of the measures of the Prussian Government, the "Dresden Law News" published an article *The wholesale expulsion of Russian refugees*, and added the following comment:

Some people adduced the argument of the sanctity of hospitality which proves that they who referred to it do not know what the law of hospitality is. They formed an opinion of the soup from a few globules of fat. The legal status of the stranger, in German antiquity, was in fact an extremely unfavourable one. For an alien who was killed not even the customary fine, the 'wergeld', was paid; the relatives of the killed man got no damages, and the homicide was not even outlawed. Immigrants, if their sojourn extended to a certain time, became automatically serfs; only the Salic law made an exception. Real sacred hospitality was bestowed on travellers only, but it was the custom not to extend this hospitality beyond the term of three days. So much for the gabble of the 'ancient sacred hospitality' for immigrants!

This throws the proper light on the ordinances of the Bible in favour of aliens.

The technical term "Ger Toshab" confronts us in Gen. 23, 4, when Abraham negotiates with the Hittites, the inhabitants of Hebron, about the purchase of a burying-place for his wife; he marks his relations towards the natives with the words: "I am



a stranger (Ger) and a sojourner with you". "Ger", a stranger as regards tribe and religion, but "Toshab", an associate, an inhabitant of the same place; this classification fitted the non-Israelite in Palestine. In the Talmud they are designated as the "sons of Noah" on whom solely the observance of the seven commandments is incumbent. The belief in the Jewish God is not required. Even a slave must not be coerced as to religion. In cases in which pagan parents have embraced Judaism and have included their minor sons in the conversion, and these sons, after attaining majority, declare that Judaism does not give them satisfaction and that they want to secede from it, no Jewish law court is authorized to refuse them the right to leave Judaism or to place obstacles in their way. The commentator Rashi adds: This obtains also where the Jewish courts of law have the political power of the Jewish State authority to support them (*Kethuboth* 11a). Conversion was not required for the salvation of children, for the Noachians had, as we have shown by several passages, as the "righteous among the peoples of the world", or "the godly among the peoples of the world", a share in the "blessedness of eternal life".

The true Talmud experts among the Christians were conversant with all this.

Selden, *De jure naturali et gentium juxta disciplinam Ebraeorum* (London 1640) says in the Preface:

Jam vero Naturalis vocabulum, in Titulo, id tantum indicat, quod Ebraeorum . . . Placitis, Sententiis, Moribusque, tam in Foro quam in Scholis receptis avitisque, pro Jure Mundi seu omnium hominum omnimodarumque tum Gentium tum Aetatum Communi, etiam ab ipso terum conditu, est habitum; ut scilicet a Totius Naturae creatae Autore seu Numine Sanctissimo, Humano generi simul atque creatum est, indicatum, infusum, imperatumque. Hoc מִצְוֹת בְּנֵי נֹחַ Praecepta seu Jus Filiorum seu Posterorum Noachi appellant Ebraei. . . . Capita hujus Juris Septena, quae illustriora sunt, a scriptoribus Christianis subinde habes, sed nec sine crassissimo subinde errore, generatim memorata. Nullibi autem explicata."

Likewise in And. Georg Waehner (Ling. Or. P. P. O. in Acad. Georg. Augusta) *Antiquitates Ebraeorum* 1743 I, p. 601:

Adamo et Noacho praecepta divinitus data jam esse, certum est. Nomine praeceptorum Noachidarum: מִצְוֹת שֶׁבַע בְּנֵי נֹחַ apud eos

veniunt. Et qui morem iis gerunt, hos piorum gentilium חסידיו אומות העולם nomine ornant; eosque ob aeterna felicitate consequenda minime excludunt וְשֵׁלָהֶם הַלֵּק לְעוֹלָם הַבָּא licet ecclesiae dei membra esse negent.

The eminent, learned Catholic of the 19th century, Franz Molitor,<sup>1</sup> writes in his *Philosophy of History*, III, § 124:

The Israelite is bound to assist pagans who observe the noachian commandments (the commandments of humanity) in their distress. He is, says the Talmud, even bound to support them, for everybody who casts off idolatry is called a Jew. The Israelite may, according to the Talmud, even assist the Gentiles in such things as are forbidden by the law to a Jew.

In the Letter to Diognetos, chap. V. (a very old Christian record, perhaps before Justus) it says:

For the Christians differ from the rest of mankind neither in the native country nor in language nor in outward customs . . . They live in their native country, but only as sojourners; they are interested in everything as citizens, and bear everything like aliens. Every foreign country to them is their native country, and every native country to them is a foreign country.

Thus Christians defined the term "sojourners" as which they regarded themselves in the olden times.

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(1) In the *Wiener Kirchenzeitung* of 1862 he is called the greatest scholar of the century on Christianity and Judaism.

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## CHAPTER III.

### THE TALMUD AND CHRISTIANITY.

That there is in the numerous folios of the Talmud so little, so very little talk of Christianity is to many a riddle, to the Jew-baiters a grievance.

It would have been so convenient to represent the Talmud as full of hate against Christianity, and now such a venture meets with great difficulties. As to the Mishna, a great part of the laws recorded in it is older than Christianity, and in the first century a Jew could hardly be distinguished from a Christian.

Old Wagenseil, a professed enemy of the Jews, but an honest and a very learned man, had to confess:

And again and again I contend that there is not a breath in the whole Mishna to hurt or slight what is holy to the Christian. The Mishnaic book *Aboda Zara* is no exception, it was only condemned, through, to put it mildly, sheer heedlessness of the Tridentine Fathers, and through false suspicion; the Mishna is only held in bad odour by those who approached the Talmudists not even like turncoats, much less like students. This book, one must know, solely and exclusively touches upon the unholy cults of the pagans und the wicked superstition prevalent in Rome at the time. Therefore the festivals of the Romans are mentioned therin, Calends and Saturnalia . . . the deities Mercury and Aphrodite are called by name . . . What's that to us Christians? *Tela Ignea Satanae*, I, p. 59.

The modern Protestant theologians who searched for traces of Jesus in the Talmud also obtained only very slight results:

One would expect that the oldest accounts of Jesus and his doctrine would be found in the Talmud, since the activity of Jesus was contemporaneous with the laying of the foundation stone of this great edifice of the Rabbinical Judaism. But this is not the case. There are only a few passages about Jesus in the Talmud.

Thus says Paul Levertoff, lecturer in the Institutum Delitzschianum in Leipsic (*The Religious Thought of the Chassidim*. Based on direct investigation. Leipsic 1918, p. 110, 111, footnote: Opinions of Eastern Jews about Christianity..<sup>1</sup>

And Heinrich Laible, teacher in the Grammar School in Rottenburg a. d. Tauber *Jesus Christ in the Talmud*, Berlin 1891, p. 7) writes:

While we might have been led to expect that we should find in the great Talmud which chiefly contains religious dissertations of every kind the personality, the deeds and the doctrine of Jesus Christ often discussed in detail, the striking fact confronts us, that Jesus is mentioned very rarely, and that there is very little known about him. Formerly it was alleged on the part of the Christians that the Talmud bristled with abuse of Christ; but the fact is otherwise. This is a Christian myth, probably due to the opinion that everything said in the Talmud about idolatry and Rome applied to the Christians. No. As far as the existing sources permit us to form an opinion there is scant mention of Jesus in the Talmud.<sup>1</sup>

### 1. Aboda Zara 6a, 7b. (N. and W. 42.)

Rohling in *My Answers to the Rabbis*, p. 5, asserts that in the Talmudic treatise *Aboda Zara 6a* the Christians are designated as idolaters "by our Sunday being enumerated among the festivals of the idolaters". Noldke and Wünsche render the text thus:

The learned men investigated the following question. "It says in the Mishna: Three days before their (the Goyim's) festivals the Israelites are forbidden to do business with the Goyim." (Does this mean): "Three days and their festivals, or perhaps three days beside their festivals?" Come and learn! R. Ismael says: Three days before their festivals and three days after their festivals it is forbidden to do business with the Goyim. Is it thy opinion that they (the three days) and their festivals

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:1 Of Rabbi Jehuda ben Nakosa (beginning of the 3d century A. D.) whose great piety is praised in the *Midrash Kohaleth* I. 8. § 4), it is reported that he had tedious disputes with Jewish Christians and overcame them at last. When his disciples congratulated him on that he said: In vain say you this. Rather go and pray for "that man" and for the vessel which was full of pearls and jewels and now contains coals only. Rabbi Jehuda was sorry that the pearls and jewels transmitted by Jesus had by his later followers been turned into coals.

are together only three days, so that Rabbi Ismael counts their festival the first and the second time? (Answer): Because he teaches, three days before them; therefore it says also, three days after them. Now come and listen. Rabbi Tachlipha, son of Eudemos, said in the name of Samuel: Accounting the day of the Nazarene (i. e. the Sunday of the Christians) as a festival, it would, according to the words of Rabbi Ismael, be always forbidden (to deal with them). Is it thy opinion that they (the three days and their festivals) are meant (i. e. that the festivals are already contained in the three days) it would be permitted on Wednesday and Thursday? . . .

In their explanations Nöldeke and Wünsche remark:

From the passage in the Mishna it is evident that the old lawgivers (in the 2nd century A. D.) were not thinking of the Christian Sunday, for they would not dream of forbidding absolutely the intercourse with the Christians, or, if one allows the forced interpretation of the six days as four days, to restrict it to two weekdays . . .

It is true, Samuel looks upon the Christian Sunday as a 'festival of the Goyim'. But we cannot imagine how an orthodox Jew could think it anything else. There is nothing to offend Christian feeling in that.

In any case experience should have demonstrated even to the malicious that even the most orthodox Jews never accounted it a sin to do business with Christians, which, according to the isolated interpretation of Rabbi Samuel, they ought never to have done.

It is remarkable that the Palestinian Talmud in the home of the Christian congregations mentions the numerous Greek and Roman festivals that fall under the prohibition, but not the Sunday. The author of this Halachah, Ismael, lived in Palestine at the time of Hadrian; whereas Samuel lived in the 2nd half of the 2nd century in the neo-Persian realm in the city of Nehardea. In this domain Christianity had not taken deep root. The teaching of Samuel being obscure, unintelligible, and — above all — an individual opinion was nowhere approved or regarded; the passage *Chullin* 13b, on the contrary, is looked upon everywhere as the basis and fixed norm for the conduct of life.

There existed social intercourse between Jews and Gentiles, and the Talmudists sent presents to their Gentile friends on



their festivals, for they knew that they were not idolaters in the sense of the religious law.

One day Rabbi Jehuda sent a present to Abidrama (a Goy) on one of their (the Goyim's) festivals and said: 'I know that he does not commit idolatry.' Rabba sent a present to Bar Sheshach on his festival and said: 'I know that he does not commit idolatry'. *Aboda Zara* 64b and 65a; N. and W. 25.

The prohibition against giving the idolater an opportunity to make a profit immediately before his festivals was accounted for by the fear that the Gentile might look upon the gain as a favour from the idol whose festival was impending and, therefore, might do him particular honor for that favour. This fear having vanished, the prohibition is no longer valid.

## 2. *Baba Bathra* 10b.

In various anti-Jewish writings there is found a Talmudic teaching alleged to be based on the treatise *Baba Bathra* 10b (Rohling's *Talmudic Jew* 61):

But the peoples of the world, all the Gentiles, are wicked; for whatever good they may do, what alms they give, what charity they show is accounted as sin, the Talmud says, because they only do it for vainglory.

The words, "but the peoples of the world, all the Gentiles, are wicked" being of Rohling's own coining, are found neither in the passage mentioned nor anywhere else in the Talmud. *Baba Bathra* 10b discusses an opinion met with in St. Augustine who gives it the wording "The virtues of the pagans are no more than glittering vices".

This Father considered "all works done before the faith and outside it as bad works (*opera ante et extra fidem*), as bad works, as sins (*opera mala, peccata*)".

The Talmud refers to the saying in the Proverbs (14, 34): "Righteousness exalteth a nation: but sin is a reproach to any people". The word "sin" (*Hesed*) also means "love", "charity"; the word "sin" (*Hatath*) may mean "sin" as well as "sin-offering". In times when the science of language was not dreamed of, speculation about this saying had plenty of scope. The passage in *Baba Bathra* 10b has, besides, a special significance. The authors quoted therein were eye-witnesses; they

belonged to the period when Jerusalem was destroyed, they witnessed the demolition of the State, and looked upon Titus, the glorified "delight of mankind" of Roman writers, as an arch-villain and enemy of man. The exaltation of Titus, the various reports of his alleged humane deeds offended the patriotic sensibilities of a few of these lawgivers, who disputed his merits and his intentions. They dared not mention the name of Titus; it was dangerous to say anything against him. One talked, therefore, generally of the nations, but the audience knew who was meant. It is remarkable that the head of the college had, in those hard times, the courage to do justice also to the enemy.

The passage reads thus:

Rabbi Jochanan, the son of Zaccai, said to his students: What is it that the Scripture says: Righteousness exalteth a nation, but charity is a reproach to any people? Rabbi Eleazar answered and said: Righteousness exalteth a nation (Goy), that is Israel, and charity is a reproach to any people, means that every kind deed and charity which the idolaters show is accounted a sin, because they do it for vainglory. For it is written *Ezra 6, 10*: That they may offer sacrifices of sweet savours unto the God of heaven, and pray for the life of the king, and of his sons. (Question): Is this not permitted? We have heard that whoever gives a sum that his son's life may be saved, or that he may get his reward in the life to come, is still a godly man. (Answer): We must discriminate between Israelites and idolaters. (Rashi: The Israelite does not lose his hope in God, even when his prayer is not granted; the idolater abuses his deity in case his wish is not fulfilled in spite of his donation). Rabbi Joshua says: Righteousness exalteth a nation, i. e. Israel, and charity is a reproach to any people. Because they only show charity in order to extend their rule. Rabbi Gamaliel says: Righteousness exalteth a nation, i. e. Israel, charity is a reproach to the nations, because they only show it from ambition and pride. Rabbi Eleazar of Modim says: Righteousness exalteth a nation, i. e. Israel, and charity is a reproach to the nations, because they only show it in order to put us to shame, and to abuse us. Rabbi Nechunya, the son of Kana, says: Righteousness exalteth a nation, and charity is an atonement to Israel and to the nations. Then Rabbi Jochanan, the son of Zaccai, said to his students: To me the words of Rabbi Nechunya the son of Kana, commend themselves more than your words and my words. But what did he himself say, then? Rabbi Jochanan, the son of Zaccai said: As the sin-offering reconciles Israel to God, charity reconciles the nations to God.

The rabbis whose conversation is reported here were contemporaries of Titus, and only crass ignorance could manage to represent this as applied to Christians. No nation was hated by the oppressed to such a degree as the Romans. Thus Minucius Felix (*Octavius* Cap. 25) represents the origin of Rome as an asylum for murderers, robbers and sundry lewd, good-for-nothing ruffians of whom the fratricide Romulus was a worthy ruler. This is followed by the rape of the Sabines, and the war with their relatives, the robbing, subjugation, and devastation of the border-lands. "The example of Romulus was followed by the later kings and all the rulers of Rome. Everything that Rome possesses she robbed from others, from the devastated cities, the ruined temples. As many triumphs, so many sins and crimes."

Similarly in the Fourth Book of Ezra (11, 39—46) it says of Rome which is personified by the eagle: "Thou art the animal which remains of the four animals whom I permitted to reign in my world. Thou hast not judged thy country with justice, for thou hast oppressed the peaceable, offended the tranquil, hated the faithful, loved the apostates, destroyed the soil of those who bore fruit, and the walls of those who did not hurt thee. Thy infamy rose to the Highest, and thy wantonness to the Almighty. Therefore, thou, eagle, must perish, thou and thy horrible wings, thy wicked heads, thy abominable claws, and thy whole body, in order that the earth be revived, and delivered of thy outrage." In *Revelations* (chapters XIV and XIX), a probably genuine book by the favourite disciple of Jesus, Christ who comes back in order to punish "Babylon", i. e. Rome, is represented as riding on a white steed at the head of the heavenly host. His raiment is bespattered with blood, for he has "trodden the grapes of the divine wrath", and the blood flowing out of those grapes, the blood of the animal (i. e. Nero's) and of its worshippers flows about the town within a radius of 1600 stadia, and comes up to the bridles of the Messianic host. The picture is drawn after Isaiah 63, 1—6; the prophet speaks of Babylon, John refers to Rome. The hater of the Bible, Friedrich Delitzsch, dislikes the

"Bedouin song of hate, war, and triumph" of the Hebrew prophet; as to John he keeps silence.

### 3. *Aboda Zara* 27b. (*N. and W.* 31.)

Rohling says literally (*The Talmudic Jew*, p. 87). "As the Talmud calls Christ an idol, it follows that the Christians are idolaters."

In proof of which he refers to the treatise *Aboda Zara* 27b.

The passage, according to Nöldeke and Wünsche reads thus:

It happened that a snake had bitten Ben Dema, the nephew of Rabbi Ismael. There came Jacob of Kefar Sechanya in order to cure him; but Rabbi Ismael did not permit him to do so. Then he (Ben Dema) said to him: Rabbi Ismael, my brother, do permit me to be cured by him, I shall prove to you from the Torah, that it is lawful. But he had hardly uttered these words when his soul left him, and he was dead. Then Rabbi Ismael exclaimed over him: Happy thou, Ben Dema, that thy body is clean, and that thy soul left thee in cleanliness without thy having trespassed against the words of thy associates (the learned men; for these said: Who so breaketh an hedge, a serpent shall bite him (*Ecclesiastes* 10, 8).

In this passage, then, Rohling found, "that the Talmud calls Jesus Christ an idol."

Nöldeke and Wünsche explain that this Jacob, to be sure, was no pupil of Christ's, but it may be safely said that he was a Christian, and that he wanted to cure him by an exorcism in the name of Jesus, and that, having regard to the strict prohibition of all conjurations, Ismael did not allow it.

Why the mortally wounded Ben Dema was not allowed to be cured by the said Jacob of Kefar Sama (this is probably the right name) is evident: the remedy was a 'conjuration' in the name of Jesus (compare for instance Matt. 7, 22, Luke 9, 49). There was, of course, no question of medical treatment.

Christianity is here pointed out neither directly nor indirectly as idolatry; what he did was simply to carry out the old prohibition of sorcery and conjuration (Ex. 22, 17; Deut. 18, 10).

Thus Nöldeke and Wünsche.

Besides, we refer the reader to *Aboda Zara* 17a.

There Rabbi Eliëzer reports:

One day I was wandering through the upper street in Sepphoris, and I met a man, called Jacob of Kefar Sechanya who asked me. "It says

in your Torah (Deut. 23, 19) 'Thou shalt not bring the hire of a whore . . . into the house of the Lord.' May one use such gifts to establish a privy for the high priest who, seven days before the Day of Atonement, stays permanently in the sanctuary?" I did not give him any answer in reply to his question. Then the man said (Jacob of the village Sechanya): "It says in Micah (I, 7): 'She gathered it of the hire of an harlot, and they shall return to the hire of an harlot', this means: The money that comes of filth is to be turned back into filth. This answer, remarks Rabbi Eliëzer, pleased me extremely well.

Thus the passage in the Talmud, *Aboda Zara* 17a. The point of the narration is that the proverbial non olet is not approved of. Dirty money must only be used for dirty purposes. Here we have an example of an exchange of opinions between a Christian and Rabbi Eliëzer in the matter of interpretation of Scripture.

And it is this Rabbi Eliëzer of all Rabbis who incurred the wrath of Bishop Dr. Konrad Martin of Paderborn who, in his book *Glimpses of Talmudic Judaism*, p. 35, accuses Rabbi Eliëzer of flying into immoderate wrath not only against Christianity, but also against Mohammedanism, without pausing to consider that the rabbi in question lived about 90 A. D. whereas Mohammedanism came into existence some 500 years later than that date.

For wherever, in Talmudic writings, sinners, trespassers, wicked people, &c. are under discussion, even if Christians are neither mentioned explicitly nor contextually, Rohling translates these words simply by "Christians". This is his trick, his method of translation. Sinners, trespassers, wicked people may be Jews, Christians, and Pagans. Bishop Dr. Konrad Martin even thought of Mohammedans! Rohling says: "No, they are Christians!" If, then, Christians are called trespassers, it can only be because they are worshippers of Christ — thus, at the same time, he derives his proof that Christ was called "wicked".

Likewise in another passage:

That the Talmud calls Christ wicked and forsaken by God, proves that the Christians who are the worshippers of this wicked one are no less wicked.



4. As his authority he quotes *Sanhedrin 105a*.

Nöldeke and Wünsche translate this literally:

For it has been taught: Rabbi Eliézer says: The wicked shall be turned into hell, and all the nations that forget God (Ps. 9, 17). The wicked shall be turned into hell, i. e. the oppressors of Israel, all the nations that forget God, who are the nations of the world. But then Rabbi Jehuda said to him:

Does it say (absolutely) all the nations? It only says: All the nations that forget God. These words rather mean: The wicked shall be turned into hell. Who are these? All the nations that forget God.

Nöldeke and Wünsche add by way of explanation:

These words must be understood in the light of the complete presentment of the discussion in number 4. Not all the nations of the world, i. e., not all the non-Israelites shall be turned into hell, but only those among them that forget God, the wicked.

**Not a word of Christians or Christ!**

For proof of the Talmud hating Christians Rohling refers (*The Talmudic Jew*, p. 55) to its saying about the Messianic age to come: Messiah will accept gifts from all the nations, except the Christians, and quotes

5. *Pesachim 118b*.

The passage, according to Nöldeke and Wünsche, runs thus:

Rabbi Kahane said: When Rabbi Ismael, the son of Rabbi Jose, was ill Rabbi sent him word: Inform us of two or three things which you told us in the name of your father.

To which he replied: My father said thus, What does it mean that is written (Ps. 117, 1): Praise the Lord, all ye nations: praise him, all ye peoples (Goyim). The peoples of the world, how do they come in here? The Psalmist says thus: Praise the Lord all ye peoples. This refers to the charity and to the miracles which he did to them. And how much more we to whom his favour was great! Then he (the Rabbi) asked for another saying. (Then he said): One day the Egyptians will offer gifts to Messiah; now, one might think that he would not accept any from them. Then the Holy one, blessed be he, says to Messiah: Do accept them, they have shown hospitality to my children in Egypt! Then, at once, the princes of Egypt come (Ps. 68, 31). Ethiopia infers from this for herself: If matters stand thus with them who enslaved them, then, surely, the Messiah will much sooner accept gifts from me who did not enslave them! Then the Holy one, blessed be he, says to him: Do accept them from her. Ethiopia at once stretches out her hands to God (also Ps. 68, 31). Now the wicked empire infers from

this for itself: If matters stand thus with them who are not their brothers, how much more with us who are their brothers. Then the Holy one, blessed be he, says to (the angel) Gabriel: Rebuke the beast of the reed (Ps. 68, 31) i. e., rebuke the beast and get thee a community.<sup>1</sup>

Another explanation of these words is as follows:

Rebuke the beast of the reed that lives among reeds, as it says (Ps. 80, 13): The boar out of the wood doth waste it, and the wild beast of the field doth devour it. Rabbi Chiya, the son of Abba, gives the following interpretation in the name of Rabbi Jochanan: Rebuke the beast, for all its deeds will be recorded with one writing reed. The multitude of the bulls, with the calves of the people (Ps. 68, 30). For they slaughter the bulls as well as the calves who have no owners (i. e. who are no man's property) till every one submit himself with pieces of silver (Ps. 68, 30), i. e., for they put out their hand in order to receive money and do not after the will of the Lord. Scatter thou the people that delight in war (Ps. 68, 30) i. e. for who is to blame if the Israelites are dispersed among the nations? The neighbouring peoples in whom they took delight.

N. and W. add by way of explanation:

This whole compilation of quaint and playful interpretations expresses indeed indignation against the foreign peoples who despise and ill-treat 'the bulls', 'the masters', i. e., Israel, and shows bitter hatred against Rome as 'beast of the reed', or 'the boar out of the wood'—but all this is a thing of times long past. Nobody who knows anything of history will resent the hatred of the Jews of that time against Rome. That this is meant for the Roman Empire of the Pagan times is an indisputable fact. Ismael, the son of Jose, and Rabbi flourished towards the end of the 2nd century A. D. If we may take it for granted that Ismael received these interpretations from his father Jose they go back as far as the time of Hadrian or the beginning of the time of Antonius. Rabbi Jochanan lived in the third century A. D., and Chiya, the son of Abba, also lived in the time of the absolutely pagan empire. Christians and Christianity are mentioned nowhere.

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(1) By "community" evidently the Roman senate is meant. In the Talmud the idea is often met with that the oppression of the nation by Rome did not degenerate into wild rage before the fall of the Roman republic. If, then, the Roman Caesars bestow presents on the Messiah, the same Caesars who had burnt down Jerusalem and the Temple, God will say unto them: Repel this rapacious beast and win thee the "community". R. Jose was a contemporary of the desperate struggles for independence under the leadership of Bar Kochba, and the report going under his name reflects the distraction of that time.

The hatred against pagan Rome was, as mentioned before, not less strong in the first Christian communities; the Fathers called the Roman Empire "Babylon", and threatened it with all sorts of physical and moral evils.

### 6. *Sanhedrin 98a. (N. and W. 43.)*

Professor Dr. Wahrmund (*The Law of Nomadism*, p. 55) writes:

The famous commentator of the Talmud, Rashi, says: The Messiah does not come before the Christian rule ceases, so that they (the Christians) have no longer the sway over Israel, not even a trifling one.

The good Professor unthinkingly copied a proven fabrication of Rohling's.

Rohling says in his book (*Polemics and the Human Sacrifice of Rabbinism*, p. 19):

The Talmud says (*Sanhedrin 98a*): The Messiah does not come, before the low miserable realm (of Christianity) ceases. Rashi adds to this, as Edels explains: The Messiah does not come before the Christian rule ceases, so that they (the Christians) have no longer the sway over Israel, not even a trifling one.

What the passage actually says is that the Messiah would only come after the last remains of power and autonomy had been taken away from the Jews, and they would be divested and stripped of all traces of former independence. N. and W. give the following translation:

Rabbi Chama, the son of Rabbi Chanina, said: the son of David (i. e. Messiah) does not come before the despised power of Israel will be done with. (Rashi explains these words thus: Before the despised power has ceased, so that the Jews have no sway at all, not even a trifling one). Rabbi Chanina said: The son of David will not come before all the arrogant ones of Israel will be gone, as it says (Zephaniah 3, 11): For then I will take away out of the midst of thee them that rejoice in thy pride, and thou shalt no more be haughty.

Rabbi Simlai said in the name of Rabbi Eliëzer, the son of Rabbi Simon: The son of David will not come before all the judges and governors of Israel will be gone.

Nöldeke and Wünsche add by way of explanation:

The words in question read thus in the original: 'until the despised power (or 'rule' or 'empire') will have ceased in (or of) Israel'. By omitting the last word 'in Israel' (Mi-yisrael), and adding his ex-

planatory supplement 'of Christianity' in brackets, Herr Rohling grossly misrepresented the meaning of the passage. Like this process, the change of *le Israel*, (the people of 'Israel'), the 'Israelites' into *be ('Israel', over Israel)* whereby the words get the meaning: "until they have no rule over Israel any longer" must be looked upon as, to say the least, enormous carelessness; for the objection, that Herr Rohling who refers to 'Edels' perhaps only copied the misstatements of somebody else, without looking up the passage himself, would be no sufficient excuse in a learned man who repeatedly refers to his Talmudic scholarship, and who draws important conclusions from these passages. This judgment, of course, is not a juridical, but a philological one. As to Bloch's interpretation of this passage, we must, of course, agree with him; the text is perfectly plain.

Thus Nöldeke and Wünsche.

The falsification or misinterpretation becomes even more indefensible when it is noted that immediately before (*Sanhedrin* 97a) the saying of law teachers is quoted who foretold the universal rule of Christianity as a condition preceding the advent of Messiah.

Rabbi Yitschak teaches:

The son of David will not arrive before the whole empire has adopted "Minuth".

By "empire" is meant, according to the well-known usage of the Talmud, the Roman empire, by "Minuth" Christianity.

This saying is also found in *Sotah* 49a. Here Rabbi Eliëzer, or perhaps rather Rabbi Joshua the Great, when talking about the signs of the approaching Messianic age, says among other things: "and the empire of the world will be converted to 'Minuth'" — (*wehamalchuth tehophech leminuth*).

## 7. Shemone Esre and Alenu.

Rohling says (*My Answer to the Rabbis*, p. 42):

The Jews recite sundry prayers when among themselves in which they pray for the extermination of Christianity which they call (for instance in the prayer *Shemone Esre*) the proud empire, *malchuth zadon*. In this prayer which the godly Jew says three times a day, it is stated, that the apostates among the Jews and those who do not adhere to the Jewish faith should perish, and the proud empire should be eradicated and broken. When saying the words 'the proud empire', the zealous spit

three times just as they do at the designations in the prayer *Alenu* in which it says of the Christians that they worship emptiness and nothingness, a man who consists of dust, blood, and bitter gall, of flesh, infamy, stench—a God who cannot help (see Wagenseil, *Tela Ignea* 219).

On the following page Rohling says:

The litany of the extermination of the "proud empire" (in *Shemone Esre*) is called *Birchath Haminim*.

Nöldeke and Wünsche translate the original text literally and add:

This text dates from the end of the first or second century A. D. The 'proud empire' is, no doubt, the Roman empire, then absolutely pagan, the deadly enemy of Israel. By the *Minim* are meant, according to the opinion of Nöldeke and Wünsche, the Christians generally, even though the Christians who were known to those Palestinian Jews were mostly so-called Jewish Christians, consequently apostates.)<sup>1</sup>

Apostasy and Christianity gave rise to new anxieties on the part of the Jews who were robbed of their Temple, their capital, and their national organization, were hunted and tormented, and whose future looked black to them. Thus we have to account for the imprecation which is no bitterer than the anathemas which the various Christian sects so solemnly uttered against each other. Later on, the meaning of the word "Minim" was forgotten by the popular mind; one simply understood by it heretics or unbelievers; the formula was changed, perhaps in consideration of the ecclesiastical censors; in the new prayerbooks the "proud empire" has disappeared, "apostates" are replaced by "traducers", Minim by "trespassers". In this shape the formula was printed hundreds and hundreds of times, and is recited every day by many thousands. The Jews of to-day can hardly be reproached for reciting a formula drawn up more than 1700 years ago against the Roman empire and Palestinian Christians, from which everything offensive has been expunged.

As to Rohling's remark about the prayer *Alenu*, we need only read the notes of Nöldeke and Wünsche on this slander, in the

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(1) The Jewish-Christian Minim who, because of their apostasy, were a sore to the Synagogue were also denounced and condemned as heretics by the Church. In a letter of St. Jerome to Augustine we read: "Usque hodie per totas orientis Synagogas inter Judaeos haeresis est quae dicitur Minaeorum et a Phariseis usque nunc damnatur, quos vulgo Nazarenos nuncupant qui credunt in Christum, filium Dei, sed dum volunt esse et Christiani et Judaei, nec Judaei sunt nec Christiani." They were dangerous and a source of anxiety, because they remained within the Synagogue.



passage mentioned before, and the dishonesty of his proceeding will at once be evident. Nöldeke and Wünsche write literally:

Professor Rohling wishes to convey the impression, no doubt, a) that those words are a regular constituent of the much used prayer *Alelu*; b) that they refer to Jesus Christ. Both allegations are absolutely false, as Mr. Rohling must have known himself. For looking up the passage quoted by him, (Wagenseil, *Tela Ignea Satanae* I, 219), we find that the author found the prayer with this and other additions in a single copy.

It is easily seen that it is an individual amplification without any official authority; the utmost that can be assumed is that these additions were possibly in use somewhere for a very short time. Moreover, Rohling, in order to give the passage the appearance of pointing at Jesus, omitted the words following it. Here is a translation of the whole passage of Wagenseil's text:

"Who worship emptiness and nothingness, man (or "men", singular or plural), ashes, blood, gall, flesh, infamy, stench, rotting ones, unclean (men and women), adulterers and adulteresses who died in sin and decayed in their guilt, turned to dust, eaten up by rot and vermin. And they pray a god who does not help, to the sun and moon, to stars and constellations and to the whole host of heaven. Thus they worship male and female, mortal and dead beings, and the sun and moon and stars."

With all his zeal for defending Christianity against Jewish blasphemies Wagenseil allows, that this was not aimed at the Christians, but at the heathens, and that the references are to Jupiter, and Venus, and the like. The author of these additions shares, on the one hand, the Euhemerist opinion that the gods of the heathens were deified human beings some of whom had lived loosely, on the other hand, the opinion according to which the Gentiles worship chiefly celestial bodies. As it is quite out of the question that these additions should date from a time when, in countries where Jews were living, the Olympian gods or the sun and moon were being worshipped, the entire passage is to be regarded as a harmless literary composition. But, however that may be, the unabridged wording proves that it has nothing whatever to do with Jesus Christ, and — as we said above — Professor Rohling must have known and did know.

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## CHAPTER IV.

# CHRISTIANITY A SUBJECT OF DISPUTE AMONG THE JEWISH THEOLOGIAN OF THE 12th CENTURY.

The question, "Can and may Christianity be stigmatized as idolatry?" was a source of great divergence of opinion among the great Jewish theologians of the 12th century. Christianity had sprung from Judaism as a sect; the members of the first Christian communities, the Jewish Christians, were sectaries, "*Minim*", heretics. But the nations of the world who had embraced Christianity as a new religion could not possibly be designated as sectaries and heretics. Born as Gentiles they had no obligations towards Judaism;<sup>1</sup> having adopted the Christian ethics they observed the seven Noachian commandments and much more.

The question of how to classify Christianity gave rise to a controversy between Maimonides and the Talmudic authorities of the Western countries.

The Christian conception of God differs from the Jewish a) in the Trinity, b) in the belief in the incarnation of God. Protestant theologians of Germany who wrote against the Jews took it for granted that, as a natural consequence of the abstract Jewish monotheism, the Christian conception of God would be regarded as idolatrous. These theologians do not know that as early as

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(1) In the uncensored copies of *Chullin* we find the saying, "En minim beamoth", i. e. there are no *Minim* (heretics) among the nations. Rashi explains the passage: "en torath min al min goy", i. e. the ordinances of the rabbis anent *Minim* do not apply to the nations of Gentile origin.

the 12th century these questions were the subject of a controversy among the prominent orthodox rabbis of that time which led to the adoption of conclusions directly the reverse of those taken for granted by the said theologians.

According to the views of the Talmud and the rabbis the commandment to believe in the unity and oneness of God was given exclusively to the Jews; the sons of Noah are not bound to believe in the unity of God.

The second commandment is that he (God) commanded us to believe in the unity (of God), i. e., that he who is the cause of everything that exists is one, as the Most High said: 'Hear, O Israel: The Lord our God is one' (Deut. 6, 4). And in many interpretations (Midrashim) thou wilt find that it says: 'Upon the condition that we make His name one, upon the condition that we make ourselves one, and much of similar import. God chose the Israelites for his peculiar people upon the condition that they worship Him as the one God (e. g. Deut. 26, 18). By this saying they mean to imply that He truly led us out of bondage and bestowed benefits on us and showed us mercy upon the condition that we believe in His unity and oneness, for we are bound to do so. And sometimes they (the old interpreters) also say: To believe in the unity and oneness, is a commandment, and they call this commandment the kingdom of heaven, i. e. the creed and the belief in the unity and oneness of God. Maimonides, *Sefer Mizwoth*, commandment 2; N. & W. 26.

The belief in the unity and oneness of God is a special obligation of the Israelites; the Noachides were not forbidden to assume a plurality of persons in their deity. The term for such a conception of God is "Shittuf", (association), and the assertion is quite common, "Shittuf, association, is not idolatry", or, "The sons of Noah are not forbidden (to believe in) Shittuf". In receiving a complete proselyte (*Ger tsedek*) the unity of God is impressed on him first of all.

How does one (in our time) receive the proselytes of justice, i. e. the real proselytes? Whenever one asks to become a convert (i. e. to embrace Judaism), we make careful inquiries about him, and if nothing wrong is found, we say unto him: What is your object in desiring to become a convert? Do you know that the Israelites in our times are miserable and oppressed, outcasts and wretched, and liable to sufferings? If he answers, I know it, and I am not worthy to enter your community, he is at once initiated into the principles of the religion, i. e.

the unity of God and the prohibition of idolatry, and that at some length. Maimonides, *Mishne Torah, Issure Biah*, XIV, 1, 2; N. and W. 27.

Whenever one asks to become a convert (i. e. to embrace Judaism), we make careful inquiries about him, and if nothing wrong is found we say unto him: What is your object in desiring to become a convert? Do you know that the Israelites in our times are miserable and oppressed, outcasts and wretched, and hable to sufferings? And if he answers: I know it, and I am not worthy to enter your community, he is at once initiated into the principles of the religion, i. e. the unity of God and the prohibition of idolatry. *Yore Deah* 268, 2; N. and W. 23.

On the other hand, the Ger Toshab, i. e. the non-Jew who wants to settle in a Jewish country is bound only to abstain from idolatry and to fulfil the six Noachian commandments; he is not bound to believe in the unity of God.

Who is a sojourner proselyte? A Goy who undertakes not to commit idolatry, and to keep the other commandments which were given to the children of Noah. *Mishne Torah, Issure Biah* XIV, 7; N. and W. 29.

The eminent Catholic theologian Franz Molitor writes (*Philosophy of History* III, § 125):

Though among the Noachian commandments that of abstaining from idolatry is the first and foremost, yet it must be noted that the Talmud is very liberal about this question and by no means designates as idolatry all that which is not exactly worship of Jehovah. For in the treatise *Sanhedrin* it says: The children of Noah are not forbidden to assume a Shittuf (association), i. e. a co-operator with the first power in the deity.

Rohling, however, writes (p. 17):

We are not looked upon as idolaters as regards the doctrine of trinity, but because we worship Jesus as God-man.

The last remark proves that he does not know the history and literature of the rabbis. How about the Jew who imagines God in some human shape, sitting on his throne in heaven and judging men and nations? Such a Jew lives in an unpunished error, but is neither a heretic nor an idolater. It is true, Maimonides, imbued as he was with Aristotelian philosophy, wished to regard such naive credulity as heresy; but the Orthodox authorities of his time opposed him successfully.

In *Mishne Torah*, *Hilchoth Teshubah* III, 7 Maimonides designates among the number of heretics (*Minim*) also one "who says that there is in heaven a ruler of the world who is corporeal and possesses form". The most illustrious authority of his time, Rabbi Abraham ben David of Posquières, comments on this: "Why did the author call this one also a heretic (*Min*)? Many men much greater and worthier than himself have held such a view, misled by anthropomorphic words in the Scriptures and by Agadahs that puzzle the mind". This commentary is annexed to the work of Maimonides, and the vehemence with which it is expressed approaches anger. The commentators of Maimonides, in a body, fall in with the views of Abraham ben David on this question. Likewise Albo in *Ikkarim* I, Chapter 2. In agreement with Abraham ben David, the Tosaphists and Rashi (*Aboda Zara* 2a) state that the non-Jews of the present time are no idolaters, and that on their festivals it is permitted to have intercourse with them.

We are quite certain that the Goyim who live among us do not commit idolatry. *Tosaphoth* on *Aboda Zara* 2a; N. and W. 9a.

And Rabbi Samuel, the son of Meïr, declares in the name of his grandfather Rashi: And all this is permitted at this time, and even on their festivals; for the Goyim of the present time are not idolaters; they only adhere to the customs of their fathers. Samuel b. Meïr in the name of Rashi (1040 until 1105) quoted by Rabbi Yerucham; N. and W. 9b.

A Talmudic commandment forbids going into partnership with idolaters. From business differences the idolatrous partner may get into a position in which he has to swear to the Jew, but every oath involves adoration to which the Jew must never give occasion.

The father of Samuel said:

People (Israelites) are forbidden to go into partnership with a Goy lest he (the Goy) get into a position in which he has to swear to the Jew, and lest he take this oath with an idolatrous name. For the Torah says (Ex. 23, 13): And make no mention of the name of other gods neither let it be heard out of thy mouth. *Bechoroth* 2b; N. and W. 10.

The Tosaphist explains at this point that this commandment does not apply to Christians, because they think of the Divine Creator whenever they take an oath; although they



associate another being with God this is not forbidden to the sons of Noah.

Again our master Tam stated: In the present time everybody swears by the saints without attributing to them divine essence, and even if they make mention of heaven (of God) at the same time they do not think of idolatry, but of the Creator of heaven and earth.

And though the name of heaven (of God) is associated with something else, the prohibition 'Thou shalt not put a stumbling block before the blind' (Lev. 19, 14) does not apply here, for the children of Noah have not been warned against this and with us there exists no prohibition against giving occasion for such an association. *Tosaphoth* on *Bechoroth* 2b; N. and W. 10a.

And the wise men (the learned) have forbidden going into partnership with the Goy, for he (the Goy) might be obliged to swear to him (the Jew), and he (the idolater) would swear by his idol; but now we do not guard against this any more, because the Goyim swear by the name of God. Isaak of Corbeil (about 1280), *Semak*, number 119; N. and W. 11.

In case of a difference of opinion between Maimonides and the Tosaphists, orthodox Jewry, according to an old tradition, does not follow Maimonides.

Maimonides must not be followed where the *Tosaphoth* (commentaries on the Talmud) are of different opinion, for their authors were many (not a single individual). For we are in possession of a tradition, that the wise men in France, i. e. the authors of the *Tosaphot* were even more distinguished and prominent than Maimonides. Whenever the opinion of Maimonides and Rabbi Abraham ben David clash, we must obviously and without any doubt go by what Rabbi Abraham ben David says, for he is a master and a great man. *Yad Maleachi*, p. 127, 128; N. and W. 126.

And the decision of the Talmud with regard to the position of Christianity remained authoritative through the centuries of Jewish theological literature. We quoted Mose b. Nachmann, *Sefer Mizwoth* number 16 of the commandments (N. and W. 8), Juda ben Samuel, *Sefer Chassidim* number 358 (N. and W. 8), Menachim Meiri of Perpignan, *Schitta Mekubbezeth* on *Baba Kamma* 37b (N. and W. 9). Now we add a few more.

The nations of the present day believe in the creation of the universe, in the virtues of the patriarchs, in the Torah from Heaven (i. e. revealed religion), in Eden, in Hell, and in the resurrection of the dead. Blessed be the Eternal, the God of Israel, who left us this refuge after

the destruction of the second Temple; but for this our feet would slip in the faith — God forbid! — if the belief in idolatry were still in the world as it was once. Josef Yaabez (1450), *Maamar Haachduth*; N. and W. 12.

The Christians must call us brethren; they do not belong to the category of the Nochrim, the Gerim, and the Teshubim; they are much more closely connected with us. Isak ben Shesheth in his *Responses* (*Teshuboth*), Constantinople 1546, number 119.

The Christians among whom we are living follow right and justice, they believe in the creation of the universe, in the divine being, in the divine Providence, and in the law of Moses; they believe in his ministers, the prophets, they persecute and scourge the sect of the Sadducees who deny the resurrection; it is, therefore, incumbent on us to promote their welfare, to praise, to honour, and to bless them, but not — God forbid! — to curse them, for they benefit us, and give us sustenance in their country. Jonathan Eybeschütz, Chief — Rabbi in Altona, *Krethi Uplethi* (1763) end of Preface.

After this manifestation (namely, the exodus from Egypt), and all these miracles there are still Nochrim (non-Jews) and realms to whom this manifestation has not yet penetrated in order (to realise) the aim of Abraham, to make known the Deity to the whole universe; and even the exodus from Egypt did not help to bring about the complete propagation, for there are still cursed Nochrim who do not acknowledge the name of God; therefore he (David) said, that He (God) should pour out His wrath upon them (Psalm 79, 6). Now, perhaps, part of the Nochrim under whose shadow (shelter) we live as outcasts thought that we — God forbid! — curse them. But it is evident that it is rather incumbent upon us to pray for their welfare (Jeremiah 29, 7). Now, how could we utter two opposite prayers before God? And far be it from us to curse, in our bedchamber, the king in whose shadow we are living (Ecclesiastes 10, 20), and David prayed, that He (God) should pour out his wrath upon them that have not known him, namely who deny the exodus from Egypt . . . .

And it is plain that the knowledge of the exodus from Egypt has reached all the Nochrim among whom the exiled Israelites are dispersed, and that they believe it and acknowledge its significance.

‘We pray that He may not pour out His wrath upon them who have called upon His name . . . . And because the destroyer of the Temple knew nothing of the belief now spread among Edom and Ishmael (i. e. Christians and Mohammedans) — this belief had not come to life yet, for they were idolaters — therefore Scripture speaks of those Nochrim as them that “have defiled the holy Temple, who have not known him, who have devoured Jacob, and laid waste his dwelling place

(Ps. 79, 1; 6; 7), but now as these Nochrims as well as the Ishmaelites (Mohammedans) know the Lord, and have knowledge of the exodus from Egypt, now be it far from us to curse them for the sake of our religion. And if, however, we still curse them who do evil to us and unjustly torment us (read *us* instead of *them* with Dr. Bloch', N. and W.) then this curse does not spring from our religion — far be it from us! — but it happens in the same way that one curses another who crosses him and does evil to him; for it even happens that a man curses (at times) his son and his brother if they do evil unto him, or wrong him.

It is evident from all these passages that we must not for the sake of our religion curse the nations who recognize the exodus from Egypt, and who know God, though they have not received the Torah." El. Ashkenazi (16th century), *Maase Adonai*; N. and W. 13.

Is not our holy Torah a foundation stone and a base even to those nations among whom we are living, namely the nations of the Nazarenes? Do not they also believe, just as we do, that Moses received the Torah on Mount Sinai and passed it on to Joshua? And do not they believe in all the prophecies which our prophets and our seers foretold? Do not they believe in the existence of God, in reward and punishment, and that the Torah is from Heaven (that the books of Moses are revealed)? These three things, to be sure, are the fundamental principles of our Torah as Rabbi Joseph Albo expounded them, and then do not the nations of the Nazarenes (Christians) also belong to those who observe the laws of God, who keep aloof and abstain from lust and avoid robbery and oppression? . . . Baruch Jeiteles (18th century), *Alim Literufa*; N. and W. 14.

"Thou shalt love thy neighbor as thyself. This is not only meant for the Israelite, for it does not say: Thou shalt love thy brother as thyself. Rather is everybody thy neighbor who is a human being like thyself. This implies all the nations, for our wise men never excluded the nations from the love of the fellow-man. Even when the Torah says 'Thy brother', or 'the sons of thy people' they only excluded the heathens of that time among whom rapine, and murder, and lust were rife, but not the other nations of the present time who, all of them, are humane, righteous, merciful, charitable and just." Rabbi Elia Pinchas ben Meïr, *Sefer Habrith* (1st edition Brünn 1797, II, treatise 13: On the Love of our Fellow-men, c. 5 ff.).

It need not be said that (this is meant for a) nation like that of the Nazarenes who have imposed upon themselves further limitations, and even abstain from what is permitted to the Israelites, from what to us (in connection with married life) is no shame, from what also the Torah

permits, for they are not permitted to marry two wives simultaneously, nor to marry one's wife's sister even after the wife is dead, and similarly other female relations. And they refrain from taking even a truthful oath, and even from the shadow of robbery (i. e. of what verges on robbery<sup>1</sup>), and they have many precious qualities and honest pious customs; hate and revenge, injuring even an enemy, their pious ones avoid. **H a p p y are they and happy are we if they treat us according to their religion!** For they are commanded by their gospels: "But whosoever shall smite thee on thy right cheek, turn to him the other also" (Matthew 5, 39). May be they found a support for this in Scripture (Lament. 3, 30): "He turns the cheek to him who smites him." "And him that taketh away thy cloak forbid not to take thy coat also", as it says in Luke, Chapter 6, 29 and Matthew, Chapter 5, 40, and many other such godly precepts. For if they accomplish these commandments they are to be highly commended.

And then we are really blessed and happy in our exile, and that in the highest degree. And, (if they always fulfilled these commandments) then thousands and myriads of our holy ones, whose blood was shed like water, certainly would not have been killed and they burned them and punished them with various pains of death, and buried them alive, though not for any injustice in their hands, nor for any wrong in their mouths, nor for any deception on their lips. And then their mobs would not have hated us on account of our love towards our God and our father in heaven.

After these things and this truth (of which I spoke above) I often say — not from hypocrisy, for it is known that it is not my way to give flattering titles unto man (Job 32, 21), for I would seek unto God, and unto God would I commit my cause (Job 5, 8): Praised be God who made me a righteous Jew, who created me a godly man. As to me, I am one of them that are peaceable and faithful in Israel (see II. Samuel 20, 19). The Lord hath called me from the womb; from the bowels of my mother hath he made mention of my name (see Isaiah 49, 1). I am of the remnants of Israel who shall not do iniquity, nor speak lies; neither shall a deceitful tongue be found in their mouth (see Zephaniah 3, 13).<sup>2</sup>

(I say then): The Nazarene (Jesus) has brought a double boon into the world, as nowadays appears clearly and evidently. He (the Nazarene) has (first) destroyed idolatry, removed the graven images from the nations, laid upon them the seven (Noachian) commandments,

(1) In anticipation we observe that "robbery" in Jewish law has a wider meaning than with us. It designates all evident injuries to property (except theft).

(2) He solemnly protests that, although an orthodox Jew, he commends the founder of the Christian religion from sincere conviction (N. and W.).

4 Bloch, Israel and the Nations.

and also the ten commandments (the Decalogue), that they shall not be like the beasts of the field, and (secondly) he has given them moral precepts, and he has made life much more difficult for them than the Mosaic Law, as we know. Jacob Emden (18th century), *Rezen Matthe*, fol. 15; N. and W. 15.

Thus we see the literal agreement among all the theological authorities of Judaism with (as said above) the single exception of Maimonides.

Maimonides, born 1135 in Cordova, left Spain and Europe at the age of 15 years; he died 1204 in Cairo. He was the personal physician to the Sultan Saladin, and was greatly honoured by this eminent prince. Sultan Saladin, the conqueror of Jerusalem, was engaged in a continual fight with the crusaders, a fight that was carried on with the unbridled savagery of religious wars. Christians and Saracens called one another "infidel dogs". Maimonides, who always stood faithfully by his princely friend, this heroic sovereign whom history praises not only for bravery and genius but also for humanity, could not but look at the enemies of his masters as his own enemies. He had never lived among Christians and what he may have learned about them from the crusaders was not likely to enlist his sympathies.

All the same he did full justice to Christianity as may be gathered from his writings.

And not only the tribe of Levi (is separated and designated for the divine service and the instruction of the others) but also every one of the inhabitants of the world whom his genius impels and his desire (for insight) urges to separate himself to stand before the Lord, in order to serve him, to worship him, and to know the Lord, who walks straight as God created him, and who, therefore, shakes off the yoke of the many schemes that men strive after:

Such a one is sanctified as most holy, the Lord is his lot, and his inheritance in all eternity, and he attains in this world what suffices for his sustenance as it fell to the lot of the priests and the Levites. David — peace be with him — says: "The Lord is the portion of mine inheritance and of my cup: thou maintainest my lot" (Ps. 16, 5). *Mishne Torah*, *Hilchoth Shemitta* XIII, 13 (N. and W. 124 and "Supplementary Opinion").

Maimonides writes to his disciple Chisdai-ha-Levi:

As to thy question respecting the (non-Jewish) nations, be it known unto thee that God desires the heart, that things are to be judged according to the intention of the heart, and, therefore, there is no doubt



that each (of the nations) that improves its mind by virtues and wisdom in the knowledge of God partakes of the eternal bliss. *Letters*, p. 23.

This, Maimonides could never have written if he had taken the Christians for idolaters. Moreover, he writes concerning the Christians (above mentioned p. 3):

It is permitted to teach the Christians (Nazarenes) the doctrines of the Torah; for they believe that this our Torah was revealed by God through our teacher Moses; it is completely set down in writing, although sometimes they expound it falsely, but so large a number among them deal righteously. *Resp. Peer ha-Dor* number 58.

Much more interesting is a third passage in which he voices his appreciation of non-Jewish literature.

As these words are proved beyond dispute we do not care who were their authors. For every principle which is based on proper premisses and the proofs of which are clear and correct, is binding on us, and we go by it, no matter who said or taught it, on the strength of the proofs and reasons known to us. *Mishne Torah, Kiddusch ha-Chodesh* 17, 25.<sup>1</sup>

Johann Christof Wagenseil, in his book *Report about Important Matters concerning Jewry*, Leipzig 1705, tells a quaint story:

A wealthy Jew, named David, who enjoyed the favour and respect of a princely bishop was to be converted.

The bishop asked him whether he, the Jew, believed that the bishop could become an inmate of heaven and heir of eternal bliss. When the Jew had answered in the affirmative, adding that he had no doubt whatever about it, the bishop went on: Why, to be sure, there is nothing for it but that thou becomest a Christian too, for thy conscience lays it upon thee; for if I the Christian can attain to eternal bliss thou canst attain to it just the same way in the Christian religion. Then the Jew answered: „My prince and master, this cannot be done. We Jews are bidden to believe in only one God who created heaven and earth. For it is written in Devorim (Deuteronomy): Hear, O Israel, the Lord is our God, the Lord is One.

“Therefore, if I, a Jew, act against the commandments of God which we received and if I believe in more than one God, then I am damned and must descend into the Gehinom or Hell. But you Christians have

(1) Isak Arama (1480) in his work *Akedah*, Gate 6 thus interprets the archaic saying of the Mishna, “All Israelites have a share in the world to come”: It would be a case of injustice if only Israelites, on the strength of this quality, would inherit eternal life. But “Israel” means “the righteous one” and every truly pious man is an Israelite; therefore a “son of Israel” is tantamount to a “son of the life to come”.

no such commandment. Your forebears never received any commands (directions) from heaven to believe only in one God, as we did. Thus, if you believe in three or even more gods, it is no matter; where there is no commandment there is no infringement, and you may still attain to eternal bliss." The bishop was quite dismayed and expressed earnest doubts whether what the Jew had said really was written in the Bible. He sent for the Latin Bible, but this the Jew did not understand; he pulled out a Chumesh which he always carried about with him, but the bishop did not understand any Hebrew, and thus the discussion came to an end . . .

The Christian scholar Wuelfer, *In theriacam jud.*, p. 250, likewise reports that a learned rabbi whom a princess asked whether he believed that the Christians could attain to eternal bliss gave the answer: God would, indeed, be very cruel if he cast into hell persons who had never undertaken to obey the Jewish laws.

Professor Beyschlag, on the contrary, a member of the Protestant Union, says in his *Open Letter to the Right Reverend the Bishop of Trier, D. Korum* (p. 13):

Why, this suggests nothing less than that all religions are equally just, even the pagan ones. For to live in the good faith of the truth of his religion, and to keep the commandments of God according to his lights and his conscience, the pagan can do just as well as the Catholic. I confess, Right Reverend Bishop, that this is a little too liberal even for me, the liberal Protestant, for I ask myself: Can anybody observe the commandments of God without the grace of salvation bestowed on us by Jesus Christ? What is your opinion about it, Right Reverend Bishop? If you think: Yes, he can, then you are a Pelagian and a rationalist pure and simple, consequently an arch-heretic which certainly would be somewhat surprising in a Bishop of Trier.

Apparently, according to canonical conceptions, a Socrates and a Buddha are inferior to an African cannibal baptized by a missionary.

Abraham, the archetype of Jewish piety, who had acquired a true conception of God, was nevertheless convinced that there were צדיקים, i. e. pious, righteous peoples among the idolaters for the sake of whom Sodom was to be spared: "Wilt thou also destroy the righteous with the wicked?" (Gen. 18, 23.) He was inspired by the thought which the German writer G. E. Lessing has given the wording, "that our living in God is so absolutely independent of our thinking about God".

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## CHAPTER V.

### THE SHULCHAN ARUCH — ITS ORIGIN, VALIDITY, AND SIGNIFICANCE.

#### I. The Campaign against the Shulchan Aruch.

The zealous desire to blacken the Talmud and to make it out to be a farrago of nonsense and childish fables, the laughing stock of the literary mob, was the origin of the convert Aron Briman's (Dr. Justus') diatribe *Talmudic Wisdom. 400 extremely Interesting Absurd Sayings of the Rabbis taken directly from the Sources and presented to the Christian Public.*

However, it looks very much as if Aron Briman (Dr. Justus) made fun of his employers and of the Christian readers, convinced that he was free to palm off anything on them. It is only to an uninitiated public that he dares to speak of "absurd fables and tales of the Talmud" and of "drivelling rabbis".

Eisenmenger, in whom such a thing might have been forgiven, got his answer from the German poet Herder:

To the literary mob, it is true, often the most ingenious parables were, out of hatred and perversity, at one time ridiculous, at another despicable. But why? Because they did not understand the meaning, they wilfully called attention only to the seemingly puerile garb. Where the rabbi was most subtle he was called most stupid, where he exhibited the finest wit, a raging fanatic; when he was not understood at all, he was ridiculed; and as rude hands attacked the brilliant dust on the wing of the butterfly, and even tried to saw and split it, the butterfly and its wings perished, and nothing remained but soiled hands. Herder, *The Genius of Hebrew Poetry.*

Rector Pressel, author of the article "Talmud" in the *Encyclopaedia for Protestant Theology and Church* XV, p. 359 adopts a similar view:

The extraordinary sayings of the Talmudic scholars, insofar as they do not concern the Law, are at least of ethical import, also where they are dictated by political circumstances; the Jewish thinkers omit to particularize, and on all problems of life which did not fall directly under the decision of the Law they gave their opinions the setting of short but pertinent generalizations, or of similes, parables, and riddles of greater length; in their preference and aptitude for these they more than once remind us in a felicitous and striking manner of the master of this mode of teaching, Jesus himself.

That Justus actually only makes sport of his employers is evident from a few examples.

*Berachoth* 47a lays down the following rule:

It is incumbent on man to repeat a teaching in the master's own words (Chayab adam lomar bi-leshon rabbo).

This duty, which the Talmud imposes upon the disciples of a teacher of the law, gives evidence of its circumspection and conscientiousness. For experience teaches how often the meaning of a statement is altered if it is transmitted by various tellers according to their conceptions, and in their own modes of expression.

Now, what translation has Justus made of this Talmudic axiom?

It is incumbent on every Jew to make the language of a rabbi his own!!!

Here is another example.

A modern proverb says, Politics ruins the character. The rabbis understood that the struggle for political power shatters the nerves and shortens life, and gives no pleasure even to the victor; the eternal anxiety caused by fickle Fortune gnaws at the marrow; that is why they deprecate ambition and striving after political power and dignities which, as a rule, keep their owners from lofty tasks and aims, disturb their minds and expose their souls to embittering party struggles. This explains the passage in *Pesachim* 87b: Woe to political supremacy; it buries its possessors. (Oy lah le-rabbanut she mekkaberet et baäleha). In proof of which they quote the fact that the prophet Isaiah survived four kings all of whom died during his prophetic activity.

Likewise it says in *Sota* 13b; Joseph died before his brothers because he enjoyed supreme political power (schehinig azmoh be-rabbanut).

What becomes of these sayings of the Talmudic teachers against striving after political power in the doctored presentation of Dr. Justus?

According to him it says in *Pesachim* 87b: Rabbi Jochanan says, Woe to the rabbis; their office sends them prematurely to the grave. Joseph, too, was a rabbi, and, therefore, died early.

Or another maxim.

True to the spirit of the Book of Proverbs, the Talmud recommends frugality attended by peace of mind, and this Talmudic lesson has had its effect. For it is known that the Jews are distinguished for temperance. One of these dietary rules of the Talmud reads thus (*Pesachim* 114a): Rather eat onions and sit in the shade (of thy house) than eat goose and fowl, and hanker after that which would disturb thy peace, and would give trouble and worry to thy household (echol bazel wesheb bazel welo techul awsin we-tarnegolim wijehe libcha rodef alecha). The original plays on the word "Bazel" which means both "onion" and "in the shade".

What does this "absurd saying of the Rabbis" become in Briman's "Talmudic Wisdom"? "It is very wholesome to sit in the shade and to eat onions. Unwholesome is roast goose and roast duck."

In *Aboda Zara* 6b we read that God, first thing every day, occupies himself with the Torah which is the emanation of his wisdom, then sits in judgment over the doings of man, and finally provides sustenance for all beings, from the strongest (as the unicorn) to the tiniest insect. Thus the kindness of God to whom the smallest being is not too insignificant, and is cared for just as well as the biggest, is set before man for emulation, so that his thoughtful love should extend to all the beings that surround him, to man and beast.

How does Dr. Justus caricature this passage? According to him it says "God enjoys feeding even the vermin in heaven". These examples which prove that Briman to whom the mean-



ing of the texts was by no means unintelligible fooled his employers could easily be multiplied.

The libelous *Talmudic Wisdom* saw no second edition.

Later on Aron Briman took for his object of attack the *Shulchan Aruch*, in order to show "what terrible laws in defiance of morality and humanity are considered binding, and are still observed by the Jews in our own times".

*The Jewish Mirror, or a Hundred newly disclosed Laws Valid to the Present Day, concerning the Intercourse of the Jews and the Christians . . . with an Introduction by Dr. Justus.* Bonifacius-Printing Office, Paderborn, went through many editions, and was later published as "*The 100 Laws of the Jewish Catechism by Dr. Jacob Ecker*". By alluding to Dr. J. Ecker as "Lecturer in Semitic Philology in the University of Münster" who had "compared the *100 Laws* most carefully with the original text of the *Shulchan Aruch*, and removed all the errors", the fabrication of the convert was to receive an odour of authenticity. At that time, a lawsuit *re Jewish Mirror* was pending in Münster. The public prosecutor of the Royal Prussian Government took action against a newspaper there which had published excerpts from the *Jewish Mirror* on the score of having abused a publicly acknowledged religious congregation. Dr. Ecker offered himself as an expert to the courts, and asked Briman, the author of the incriminated *Jewish Mirror*, to help him with the report. Thus Briman became the author of the report on his own work, and Dr. Ecker took an oath on it in court.<sup>1</sup>

Ecker's Hebrew scholarship thus demonstrated (with the help of Briman) won him a professorial chair; this fact was communicated to the Vienna courts of law by Professor Bickell, in the following letter to the President of the Court:

Sir, — In answer to your question whether I should be inclined to act as an expert on Talmudic and Rabbinic matters in a pending trial (presumably the action of Professor Rohling against

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(1) *The Jewish Mirror in the Light of Truth. A Scientific Investigation.* Paderborn. According to the Preface "aa detached, impartial judgment of the *Jewish Mirror*" by Dr. Justus.

Dr. Bloch) I beg to say that I would be grateful if you could relieve me of this duty for the following reasons:

(1) I have been an intimate friend of Professor Rohling for close on twenty years, and I should in all likelihood have to give my opinion in the Bloch case decidedly against him, which would annoy me extremely, although I expressed my disagreement with his anti-Semitic propaganda from the first.

(2) As to the principal matter of the lawsuit, the alleged use by Jews of Christian blood, I have, in a letter evoked and published by Professor Delitzsch, declared that all the passages quoted in proof of this are frauds based on ignorance, as all of them deal with absolutely different matters.

(3) Chiefly I must urge that while I have indeed given more time to Talmudic and Rabbinical studies than is usual with orientalists, nevertheless I am a mere tyro and beginner in this department, and dare not stand up as an authority.

To-day, it is true, the frauds of learned swindlers are rife just because verification is so very difficult. Thus a pushing lecturer in Münster, a priest, I am sorry to say, who knows nothing about the Talmud, obtruded himself as an expert on the courts of law in a similar lawsuit and got a converted Jew to write a book overflowing with Talmudic and Rabbinical scholarship which he gave out as his own and on the strength of which he became a professor. I, however, am old-fashioned in these matters and dare but call myself an expert where I am perfectly at home. — — —

This information was substantiated by a postcard from Professor Rohling to Aron Briman, the original of which I had in my hands, and which was published in the Vienna daily press, and, besides, confirmed by Rohling.<sup>1</sup>

Postcard, postmark Prague, March 11th 1884.

Dr. August Briman, Kreuzstraße 4, Münster, Westphalia.

Carissime! I received both your last favours, but felt very poorly of late, and, therefore, was not able to write.

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(1) On Dr. Arthur Dinter, Aron Briman, and Dr. Jacob Ecker see Dr. J. S. Bloch, *My Reminiscences* (S. 372).

As you leave for D. on the 15th which is as it should be I shall write to you as soon as you will have arrived there and your address will be in my hands. Does Dr. E's "Illumination of the Speculum" also contain the passage from *Haliquthim*? This would be all right, of course, if he speaks in sensu nostro (which, I think, is the case). I suppose you have cooperated in this Illumination! Good, very good, indeed. More later on. From R. I daily expect the communication in question, I believe it will be in my favour. Cordial greeting.

A. R.

But the moral sense of Dr. Ecker went beyond this. In his testimony on *The Jewish Mirror in the Light of Truth* he, respectively Briman, to give it the appearance of an "unbiassed criticism", in a few minor passages defended the *Shulchan Aruch* against Justus, declaring his translations of them to be incorrect. Now, one would have expected that inasmuch as Ecker had submitted his Report to the court under oath that he would accordingly correct all these passages in the Steele edition of the *Jewish Mirror* of Justus. But no! He had all those passages reprinted which he had denounced as wrong.

Professor Gildemeister in Bonn, called upon to give expert testimony about the contents of the work of Dr. Justus, said in praise of the author "that he exposes the Jews not so much in the Talmud as in the *Shulchan Aruch*, since the Talmud has too many contradictory opinions to be guided by it". (Gildemeister, *The Shulchan Aruch and what depends on it. A Judicial Report. Bonn 1884.*)

This book of Professor Gildemeister's, like the *100 Laws* of the *Jewish Mirror* by Briman-Ecker, was closely examined, in connection with the lawsuit Rohling-Bloch, by the scholars Dr. Theodor Nöldeke and Dr. August Wünsche under oath.

As to the origin of the *Shulchan Aruch* the following brief remarks will suffice: In the first half of the 14th century Asher ben Yechiel wrote an abstract of the Talmud, called *Asheri*, on the basis of which his son Jacob ben Asher wrote a code entitled *Arba Turim* in four parts which are called *Orach Chayim*, *Yore Deah*, *Eben Ha-Ezer*, *Choshen Hamishpat*. To this

work Rabbi Joseph Caro who lived partly in Cairo, partly in Palestine wrote an extensive commentary entitled *Beth Joseph*. Later on he made out of *Arba Turim* and his own commentary a shorter epitome which, on the whole, kept the arrangement of *Arba Turim* and the names of the four parts. This smaller code, entitled *Shulchan Aruch*, was first published in several editions in the last decades of the 16th century. To this *Shulchan Aruch* the Rabbi of Cracow, Moses Isserles, wrote additions. Each of these additions is introduced by the word "*Hogaah*". The work of Caro with the additions of Isserles was first printed about the end of the 16th century and has come out since under the same title in numerous editions; later writers added new commentaries and glosses. The oldest gloss, entitled *Be'er Ha-Gola*, appeared as early as the middle of the 17th century and from this date on is printed in every edition of the *Shulchan Aruch*.

## II. The Shulchan Aruch and Its Validity.

As to the status of the *Shulchan Aruch*, be it remarked at the outset that it was never approved by any assembly of rabbis; on the contrary, eminent rabbis emphatically urged believers not to be guided by the *Shulchan Aruch*, but only by the Talmud itself. Some called it a Table of Contents, others a book of reference, others a help for repetition. The author himself divided the work into thirty parts in order to make it possible for readers to go through the whole in one month. In the oldest edition each part has the headings: 1st day, 2nd day, and so on to the 30th day. The book has had a vast circulation, because it is lucid, practical, handy.

Justus (Briman) and Dr. Ecker wanted to persuade the public that the *Shulchan Aruch* had become a code of law binding on all the Jews who had not mentally deserted Judaism.

The baron Dr. F. E. von Langen, member of the German Reichstag, writes (*Talmudic Deceptions. The Jewish Secret Law and the German Diets*, Leipsic 1895, p. 34):

To the Jewish layman of this day the Talmud is only known by name, as he is not able to read it himself. The *Shulchan Aruch* has, for the



last three centuries, been the theological code of law and catechism of the Jews.

This is sufficiently refuted by the fact that the late Rabbi Schreiber of Cracow, the leader of Jewish orthodoxy in Galicia, and Member of the Austrian Parliament, called upon the Austrian Government to introduce, by right of its authority, the *Shulchan Aruch* into the Jewish communities of Galicia as the basis of communal life.

The request was turned down on the November 27th, 1882. The attempt to invoke the temporal power of the State in order to give authority to the *Shulchan Aruch* proves that even in Galicia the *Shulchan Aruch* is not voluntarily acknowledged as having authority.

If the *Shulchan Aruch* were religiously binding on modern Jews, nine-tenths of the Jewish marriages in Austria, Germany, France, Italy, England, Scandinavia and America would be void, and the children of these marriages would be illegitimate and barred from inheritance.

According to the *Shulchan Aruch* (*Eben Ha-Ezer* 42, article 5) a marriage is void if the witnesses to it are not absolutely unobjectionable with respect to morals and religion by the standard of the rabbinic law. If the marriage is to be valid, it must be newly contracted in the presence of witnesses absolutely unobjectionable in religious respects. According to the *Shulchan Aruch* (*Choshen Mishpat* 34, article 2 and 3), offenders against rabbinical, to say nothing of biblical precepts, are disqualified as witnesses. Anyone, therefore, who, wears a garment of wool and linen — that is any woollen garment sewn with a single thread of twine, — who shaves, who violates the dietary laws, who drives or rides a horse on the Sabbath, who carries a pocket handkerchief or a key or a sunshade or an umbrella in his hands on the Sabbath, who ties or unties a knot on the Sabbath (article 24), who ever in his life took interest (article 26), who stays in a room with a female person whom he is not permitted to marry (*Eben Ha-Ezer*, chapter 42; *Baër Hetev* number 16), who drinks wine or eats cheese at a Gentile's even if he is not an idolater (*Eben Ha-Ezer* 42, *Baër Hetev* number 15) — any



such Israelite is religiously objectionable, therefore disqualified as a witness, according to the *Shulchan Aruch*, but not according to modern Jewish practice which recognizes every moral man as a legal witness.

If orthodox Judaism, about the middle of the past century, declared the *Shulchan Aruch* to be its palladium and shibboleth, this was an act of policy and a measure of self-defence. The peculiar characters of both the Palestinian and the Babylonian Talmuds in the diffuse discussions of which everything is examined, approved or disapproved according to the laws of logic, without regard to any authority, and in which the greatest concessions are made to the requirements of every period, were directly calculated to favour religious Reform. In fact, the learned leaders of Reform within Judaism based and carried out their innovations on Talmudic maxims, and where Talmudic teachings failed them they vindicated Reform by the exigencies and genius of the age, which the Talmud considered at all times. Even as to such parts of Talmudic Law which the Reformers threw overboard, they were in a position to quote Talmudic principles in their vindication; there was, therefore, no other way of defence open to Orthodoxy but to cling to the *Shulchan Aruch*. In face of the Reformers' constantly quoting Talmudic maxims, Orthodoxy was in need of a rigid law-book; that is why it tried to raise the *Shulchan Aruch* to this rank, and it was in this manner that the *Shulchan Aruch* was dragged into party controversy. The question as to the standing which the *Shulchan Aruch* occupied within the Jewish community before Reform set in, that is, during the 18th century, can be answered by acknowledged authorities on Jewish Law, and these expressly forbid the use of the *Shulchan Aruch* in deciding religio-legal questions.

Besides, it is neither my custom nor my way to busy myself with the words of the authors of the *Shulchan Aruch*, much less to build a foundation for any decision on the precise interpretation of the secrets which are hidden in their words. For they are not "given from one shepherd" (Ecclesiastes 12, 11), but things joined together and united that had been scattered before. Besides, these summaries are not always justified, but this is no occasion to elaborate this any further. Meir Lublin, *Responses*, number 11, fol. 7b (Metz 1769); N. and W. 38.

## Nöldeke and Wünsche add:

This is a rather brusque refutation of the opinion that the *Shulchan Aruch* is a binding law code. — — —

It is well known that our scholar (Joseph Caro, the first author of the *Shulchan Aruch*) has drawn up the *Shulchan Aruch* from his greatest work i. e. *Beth Joseph*, and shaped it into a sort of key (register) to this work; very often he produces all the (diverse) opinions (so that we do not arrive at a decision). From our older sages we have received the important rule (the principle), that no law must be decided according to the *Shulchan Aruch*. Samson Morpurgo, *Responses Yore Deah* 33, Venice 1743, fol. 86b; N. and W. 39.

Whatever the consequences for him who is called upon to give a decision, there is nothing for him to do but to take his stand on the foundation and root of the law, that is on the sayings of the Talmud and the authorities by whose mouths we live. The *Shulchan Aruch* is only an aid to memory and a good shelter for comers and goers. But when a man goes to the root of a matter, the *Shulchan Aruch* is of no concern to him. Abraham Izhaki, *Responses Choshen Mishpat* number 2, fol. 57a. Constantinople 1742; N. and W. 40.

It is well known that those who, in giving decisions, are guided by the *Shulchan Aruch*, belong to those who in expounding the law do not teach according to (traditional) statutes, for they do not know the root of the decision, who is the author of it, and they produce opinions of their own, and thus cause quarrels to arise in Israel. Joel Sirkes, *Responses*, number 80, fol. 57. Francfort 1697; N. and W. 41.

## III. The Intention of the Authors.

In the authoritative book "*Yad Maleachi*" which first appeared in Leghorn 1767, it says:

The intention of Rabbi Joseph Caro and of Rabbi Moses Isserles was that nobody was to render a decision on the basis of their book, without first consulting the sources. The *Shulchan Aruch* has been compiled only as an aid to memory. Those who give a decision only from the *Shulchan Aruch* have destroyed the covenant of the Torah... Rabbi Joseph Caro compiled the *Shulchan Aruch* at the end of his life, and there are, in consequence of his decrepitude, many inaccuracies in it... In the Responses of the pious Rabbi Samuel Aboab, I found the following passage: "I heard that Rabbi Joseph Caro gave his pupils the manuscript of the epitome from his book "*Beth-Joseph*", i. e. our *Shulchan Aruch*. As it was not a single author who compiled both works, the

discrepancies in opinions and readings which can be harmonized by strained interpretation only, may be easily accounted for.

Nöldeke and Wünsche draw the reader's attention to the fact, "that in *Yore Deah* 147, 5, the *Shulchan Aruch* is accused by its commentators themselves of a downright offence."

#### IV. The Shulchan Aruch and the Christians.

The authors of the *Shulchan Aruch* arranged their work as excerpts from the Talmud. With the exception of those parts which deal with the cult in the Temple of Jerusalem, all the legal provisions of the Talmud are presented even with the Talmudic words and phrasings. As a matter of course, all the Talmudic laws against apostates and idolaters as well. But after the enumeration of all the injunctions concerning the idolaters, their rites and ceremonies, and their festivals, it is expressly stated at the end of chapter 148 in *Yore Deah* that all these provisions were no longer in force, and do not apply to the Goyim of the present day.

And now Rabbi Samuel, son of Meir, writes in the name of his grandfather Rashi that everything is permitted, for they are no idolaters and do not worship (the idols). And even if they devote voluntary gifts and give the money to their priests it is permitted to lend them (money), for their priests do not buy offerings and ornaments for their idols, but they eat and drink (i. e. they use the gifts and money for food and drink) Jacob Asheri, *Tur Yore Deah* 148; N. and W. 21.

And now (Rabbi Simon, son of Meir, writes in the name of Rashi) everything is permitted, i. e., everything that has been quoted in this chapter as forbidden is now permitted; the reason is that they do not commit idolatry, that is, they know nothing of idolatry. As far as this (the words of Rabbi Simon). And so we say (*Chullin* 13b): The Goyim outside the country do not commit idolatry, they only adhere to the customs of their fathers, and they do not go and worship (their idols). Joseph Caro, *Beth Joseph* 148; N. and W. 22.

As some say, all these things (which were formerly under discussion) were only meant for that time (i. e., they only referred to that time), but nowadays they (the Goyim) know nothing of idols, therefore it is permitted to do business with them on festivals. *Hagauh*: Even if they give the money to the priests, they do not design it for offerings to or ornaments for the idols, but the priests eat and drink for that money.

And just the same it is if one (properly speaking "he", the Israelite, a common idiom. N. and W.) nowadays sends a present to a Goy on the 8th day after Nital (natalis, Christmas) which they call "New Year", and for them it is a (happy) omen, if they get a present on this festival; one ought to send it if possible the night before, if not, one may send it the same day. *Yore Deah* 148, 12; N. and W. 23.

A similar provision turns up in *Yore Deah* 141, 3, *Hagaah* (N. and W. 20) concerning the use of ritual images which have been found. Likewise there is a provision of the same purport in *Orach Chayim* 156 *Hagaah* concerning the oath of the Christians. Justus-Briman did not quote this passage, but surely not from ignorance.

#### V. The Term "Some say" in the Shulchan Aruch.

Marx in an essay in *Seed and Hope*, p. 144 45 writes: "Joseph Caro (died 1575) mentions in his code of laws, *Shulchan Aruch*, part *Yore Deah* § 148, 12, that some teach: Everything that has been said of the idolaters in former codes of law, and also in the Talmud, applies only to the past; the Goyim of the present time are no idolaters any longer. Moses Isserles, a contemporary of Caro's who supplemented his work, says practically the same. (Compare *Orach Chayim*, 156). But personally both disagree with this. Therefore the provisions of the *Shulchan Aruch* with regard to heathens is deliberately applied to Christians."

Marx was misled by the introductory formula of the article, "There are some who say". He inferred from it that the authors themselves disagreed. Setting aside the consideration that in the latter case they would have had to mention the opposite opinion, namely, that the Talmudic provisions against the pagans apply also to the nations of the present day, it is a very well known peculiarity of the authors of the *Shulchan Aruch* that they, who throughout compile older opinions and rules, introduce their own personal views with the formula: Some say.

This is expressly found in the commentary printed with the *Shulchan Aruch*, *Choshen Mishpat* by Joshua Falk, entitled *Sefer Meirath Enayim* (*Sema*) on chapter 16, article 2 (*Sema* number 8),

chapter 26, article 3 (Sema number 13), chapter 35, article 4 (Sema number 10). In the well-known work *Keneseth Hagedolah*, part *Choshen Mishpat*, section 35, in the glosses to *Tur* number 5, it also says: Joseph Caro does not contradict the sentence, though he writes: Some teach; for that is his way. Likewise in the commentaries printed with the *Choshen Mishpat* on chapter 16, *Baër Hetev* number 5 and *Pis'che Teshubah* number 1. The same is found in *Yad Mal'achi*, the famous methodological work, part 2, section "Rules for the *Shulchan Aruch*", number 12 (Edition Berlin, fol. 135a).

And it seems better to say: The author (i.e. Caro) did not intend to express by the words "Some say", that this is a matter of dispute, but wherever he (himself) found a provision that had not been mentioned by other authorities, he writes about it: Some say. And this is evident also in many other passages of the authors. *Sema* (commentary on the *Shulchan Aruch*) on *Choshen Mishpat* 16, number 8. N. and W. 23a.

Hagaah: "And some say" &c. The first opinion also agrees with it. And the reason why the Rabbi (i.e. Caro) designates it with the expression "And some say" &c. is, because this difference is not distinctly mentioned in the first opinion. Such is his way in many passages. *Sifthe Kohen* (Commentary on the *Shulchan Aruch*) on *Choshen Mishpat* 42, number 20; N. and W. 23b.

## VI. Meaning and Origin of the Term "Akum".

What is the meaning of the term "Akum"? The word is an abbreviation of *Obde Kochabim u Mazaloth*, i. e. worshippers of stars and constellations. Now Rohling declares with complete assurance: In the *Shulchan Aruch* the usual word for the Christians is "Akum". In support of this contention he says:

(1) That "Akum" is a secret term for Christians meaning *abodath Christus u Miryam*, i. e. worship of Christ and Mary.

(2) In *Shulchan Aruch Orach Chayim* 114, 8 (it should be 113, 8), it says, that a Jew must not bow if an "Akum" passes with a cross; as the cross is a Christian symbol, the "Akum" consequently must be the Christian.

(3) The authors of the *Shulchan Aruch* say repeatedly that they deal in their works only with matters of the present time, and the future, but not of the past; if, then, by "Akum" star



worshippers were meant, the expressions would have no sense in our latitude, because 300 years ago there were no star worshippers in Cracow.

(4) The Christians are idolaters, because the Jews are not permitted to eat meat of animals killed by Christians.

(5) The rabbis base their decisions on sentences from the *Shulchan Aruch* in which the Gentiles nearly always are called "Akum".

The same arguments are to be found in Justus pp. 36 and 37.

As to item (1) the alleged secret term is the low joke of a Jew who fooled the anti-Semites. Eisenmenger (I, 114) mentions Wagenseil "to whom a Jew once told this".

Everybody versed in Jewish literature ought to know what Nöldeke and Wünsche also confirm that the Greek word "Christ" occurs in no Hebrew work; this precludes its being used for forming a new Hebrew word.

As to item 2) *Orach Chayim* 114, 8 (correctly 113, 8) the "Akum" with the cross is due to a stupid censor, as I at once pointed out to Herr Rohling. My explanation was confirmed by the first editions of this work which I was lucky enough to purchase; these editions do not employ the word "akum" in this place, but the word "Goy" which designates all non-Jews. Thus the editions Venice 1576 and Cracow 1594; the editions Prague 1702, Amsterdam 1754, Dürenfurth 1754, Fürth 1782 have not the word "Akum" in this place either. Lastly, in *Beth Joseph* from which the *Shulchan Aruch* originated, in the corresponding passage in *Orach Chayim*, at the end of section 113, there also the word "Goy" is to be found, and not the word "Akum". Thus it is evident that the author did not use the word "Akum" in this passage.

Apart from the "Akum with the cross", Gildemeister quoted two more passages in proof of the identity of Christian and "Akum", that in *Yore Deah* 148, 12 where Isserles permits sending Christians a present on New Year, and that in *Choshen Mishpat* 409, 3, where, according to Isserles, it is permitted nowadays to an Israelite who lives among Christians to keep a house-dog. Everywhere the fatal word "Akum". Gildemeister did not

take the pains to look up an old uncensored edition. If he had, he would have found in both passages that the authors did not talk of "Akum" but of "Goyim".<sup>1)</sup>

In old editions, the word "Akum" is not to be found anywhere. As to the origin of the word, one need no longer remain in the dark. Dr. M. Steinschneider, in his *Hebrew Bibliography*, published an essay on the censorship of Hebrew books in Italy (in the issues of May-June, and of July-August of the year 1862); there is, on page 98, printed a decree of the Congregation of the Index of the year 1590, in which there is commanded that whenever the censors suspect that the words "goy", "nochri", etc., used in Hebrew books, are meant for "Christian", they are to be changed to "Akum" or a similar term. Thus it came about that the expression "Goy" which is to be found in *Beth Joseph* and in the older edition of the *Shulchan Aruch*, later on, in numerous passages, and especially where the Christians were included, has been changed to "Akum"; at the same time "Akum" is quite correctly defined as synonymous with "adorans stellas et planetas", worshipper of stars and constellations. The censors proceeded so clumsily in this work that even the absurd phrase is to be found: An "Akum who is no Akum" (*Yore Deah* 124, 24), or: "According to the tradition the Akum

(1) Gildemeister observes that the terms "Goy", "Kuthi", "Nochri", "Akum" are used promiscuously, and that not only in different passages, but in the same passage in different editions. This is true and might have put Gildemeister on the right track. He ought to have argued: The author certainly can have seen only one edition of his work through the press. The later editions could only be reproduced from the earlier ones. How, then, are we to account for the variety of terms for the Christians in the different editions?

The explanation of this strange phenomenon is obvious. The different places of printing had different censors and each censor put instead of the generally used "Goy" a term for which he had a preference. If it happened that in the same place of printing one censor left and made room for another a change of system ensued at once. If "Nochri" had been the word before, "Kuthi" took its place, or "Akum" became the fashion. Nöldeke and Wünsche investigated 6 manuscripts of Maimonides, and nowhere did they find the term "Akum". On the strength of this they declared, "that the occurrence of 'Akum' in Maimonides is due to later insertion. Likewise 'Akum' is wrongly inserted in other works of early dates".

outside Palestine are no Akum" (*Sifthe Kohen* on *Yore Deah* 123, number 2); then again: "An Akum who is an Akum" (*Beër Hagolah* on *Choshen Mishpat* 266, number 2). It is, therefore, evident:

The word "Akum" was introduced into the *Shulchan Aruch* by Christian censors. In the old editions which were not censored there are, for non-Jews and idolaters, two kinds of expressions sharply marked off from one another. The words "Obed Elilim", "Obed Abodath Elilim", "Aboda Zara", "Obed Aboda Zara", as well as the plural of these words always signify idolaters or idolatry. Not a single one of these expressions is ever used for non-Jews; these are always called "Goy", "Goyim" and "Nochri", by which are meant Christians as well as Mohammedans. The subsequent Christian censorship mixed up all these expressions and changed them all into "Akum". The rules of censorship referring to it run thus in the "Canon expurgationis":

Every word "Aboda Zara" (idolatry) the reference of which to old pagan idolatry is not evident from the context is to be erased, and 'Akum' is to be put in its stead. To such expressions 'Zelamim', 'Zuroth' (i. e. images), the words "shel akum" as (i. e. of Akum) are to be added. All the expressions 'Goy', 'Goyim', 'Nochri', &c. in passages which may be understood to be detrimental or offensive as to non-Jews, are to be expunged, and 'Akum' is to be substituted for them.

But the censors saved themselves the trouble of examining the meaning of the texts in order to find out whether anything detrimental to the Goy was intended, and an alteration was required; even in passages where, as is seen from the context, there is no doubt that Christians are meant, and where nothing derogatory is said of them, the censors altered the word "Goy" into "Akum", so that, in fact, the Christians became "idolaters" only in consequence of the censorship.

Nöldeke and Wünsche absolutely confirm this. They say:

In every case in which this word ('Akum') is found in those editions of Talmud that have been altered by the censors, we did not find it in the texts which are touched only slightly or not at all by this disfigurement. In no passage of the edition of the *Shulchan Aruch* (Cracow 1594) which we looked up did we find 'Akum'; we may safely assert that

'Akum' does not occur in any of the numerous passages referred to in the book before us.

On the other hand the great German "Talmudist", Dr. Artur Dinter (p. 41) exclaims with great aplomb:

Well, Herr Chief Rabbi, I contend that by the word 'Akum' Christian is 'especially' to be understood! If I put the word 'especially' between quotation marks, it is because I quoted it from Ecker. But I make this assertion my own on the sole strength of my commonsense!

The *Shulchan Aruch* was compiled as late as the 16th century. It appeared in Venice, and later in Cracow. Venice, Cracow and their surroundings were notoriously full of "star worshippers" and "pagans"! On the other hand it is well known that there lived in both these towns and their vicinity not a single Christian! Yes indeed, Herr Chief Rabbi! One really does not know which is greater: the Jewish brazenness or the German stupidity that swallows this Jewish insolence!

This forced irony becomes self-ridicule when it is noted that the Venice and Cracow editions of the *Shulchan Aruch* do not at all contain the word "Akum" which was smuggled into the *Shulchan Aruch* by the papal censorship. Something similar happened to us Jews with the Talmud. The papal censors expunged some individual passages of the Talmud, and altered the phraseology, sometimes quite meaninglessly, in others. But Professor Rohling and his disciples accuse the Jews of having "castrated" the Talmud in order to hoodwink the Christians.

On which side, then, is "brazenness" and "insolence" which speculates on "German stupidity"?

(3) Neither Rohling nor Justus state where the passages are to be found in which the authors of the *Shulchan Aruch* repeatedly say "that they occupy themselves with matters of the present and of the future, but not of the past".

The facts are these:

*Yore Deah* Chapter 331 (with 146 sections), chapter 332 (with one section), chapter 333 (with 14 sections) contain detailed provisions about the tithe of the Levites and the heave-offering of the priests which doles had gone out of use long before the *Shulchan Aruch* was compiled, and were not current either in Cracow or anywhere else. *Eben Ha-Ezer*, chapters 156 to chap-



ter 168 inclusive (comprising a total of 103 sections) contains provisions about the levirate marriage which has been abolished for centuries and forbidden by the rabbis.

The whole of *Choshen Mishpat* contains provisions about Meum and Tuum which according to the statement of Samuel that the law of the country of residence is valid (*Baba Kamma* 113b) have been long obsolete, as the Jews have no country of their own.

Compare, besides, the following provisions:

§ 1. If anyone kills for the sake of idol-worship, even in case he does not intend to worship them in killing (i.e. offering the flesh) but only to sprinkle the blood of the beast before the idol or to offer the fat as incense-offering, this is an offering of the dead and it is forbidden to make use of it. The offerings of idolatry are called offerings of the dead. Psalm 106, 28; *Aboda Zara* 32b. *Yore Deah* 4, 1; N. and W. 32.

Nöldeke and Wünsche add:

It is obvious that these teachings had, even as early as the time of the compilation of the *Shulchan Aruch*, no longer the slightest application, since there was nothing in Christian countries that could have been interpreted as an animal sacrifice.

If one has killed locusts before the idol it is forbidden (to profit by it), even if it is not customary at all to worship him (the idol) with locusts. *Yore Deah* 139, 4; N. and W. 33.

Nöldeke and Wünsche add:

These teachings, too, have long been obsolete.

It is permitted to plant herbs under the tree Asherah in the hot days when they are in want of shade as well as in the rainy days, because the shade of the Ashera which is forbidden together with the soil that is not forbidden causes the herbs to grow. For whatever is brought about by a forbidden and a permitted matter together is in every case permitted. *Yore Deah* 142, 11; N. and W. 34.

The fight against idolatry was carried on by the early church just as much as by the Talmudists. Harnack has a great deal to say about it (*The Mission and the Spreading of Christianity in the First Three Centuries*. Leipsic 1902).

To-day the controversy against the gods in the Olympus, against the Egyptian crocodiles and cats, against the carved, cast and graven idols seems to have been puerile and superfluous . . . but it certainly was not superfluous . . . In all the provinces and in all towns there were house- and family-idols to be found. In those days it was a burning



question whether it was permitted to eat of the flesh of an animal sacrificed to an idol, or to partake in the meals of infidels . . .

But fighting coarse and actual idol-worship to the last meant a great deal. Christianity did not compromise on this point.

### So far Harnack.

Live creatures are not forbidden; even if the idolater worships his animal, this act does not forbid its use (one may use it as beast of burden or eat it after it has been killed). But if it has been killed for the idol, then it is forbidden, even if there is only a mark (if only one of the neck arteries are cut through, even if it does not belong to him (the idolater). *Yore Deah* 145, 8; N. and W. 35.

### Nöldeke and Wünsche add:

All these rules have had no meaning any more for almost the past 1500 years. Certainly not the rule about an animal which the Goy worships.

*Yore Deah* 145, 8 N. and W. 36 permits the eating of an animal that has been worshipped as a deity. *Yore Deah* 141, 1 forbids images in the villages, because there they are set up as idols while in the towns they are purely ornamental. All this had no longer any application in Cracow, nor anywhere in the whole of Europe at the time when the *Shulchan Aruch* was compiled.

### Nöldeke and Wünsche observe:

The marks of distinction between images which are idols and those which are not may have had partial applicability at the time of the formulation (Mishna *Aboda Zara* 3, 1, Toseftha *Aboda Zara* 5, 1) but not for the Babylonian Talmud (*Aboda Zara* 40b—41a). Still less 1000 years later, when the *Shulchan Aruch* was compiled, and certainly not at the present time.

(4) It is well-known, that the Jew must not eat any meat even if the animal has been killed by a Jew (rabbis not excepted) unless he is an examined and qualified slaughterer. Besides, Justus and Rohling might have found in *Shulchan Aruch*, *Yore Deah* 2, 1 that the non-Jew is not permitted to do ritual slaughtering even if he is no idolater, for instance a sojourner proselyte. See Nöldeke and Wünsche 37.

Gildemeister, who suffered himself to be misled by Justus, contends, that "Nowhere in the laws are 'Akum' and 'Christian' contrasted with one another as might be expected." Gildemeister never had an uncensored edition of the *Shulchan Aruch* before

him. But even in the mutilated editions the discrimination may be found in several passages (*Tur Yore Deah* 148, 12; *Orach Chayim* 156, 1 Hagaah; *Yore Deah* 123, 1 Hagaah; *Sifthe Cohen* number 2; *Yore Deah* 132, 1; 141, 2; 141, 3 Hagaah; 124, 24; 128, 1 Hagaah; 149, 4; *Orach Chayim* 154, 11; *Baër Hetev* Nr. 16; *Choshen Mishpat* 425, 5; *Beër Hagolah* Nr. 3; *Choshen Mishpat* 348, 1 *Baër Hagolah* Nr. 2; *Eben Ha-Ezer* 42, 5; *Baër Hetev* Nr. 15).

Among these belongs also the passage in *Tur Yore Deah* 148 passed by these gentlemen in deliberate silence.

Dr. Justus' forgeries exceed all bounds and are marked by the shamelessness characteristic of renegades. *Yore Deah* 146, 14, 15 says: Everybody who finds idols is commanded to do away with and destroy them. Justus (Law 60) gives it the following turn: The Jew is bound to burn and to destroy the images (of the Christian Church) and everything that belongs to its service and is made for the Church (all objects of the Christian ritual).

From this point of view the following official document is very interesting:

"Receipt. Joseph Goldberger, Sergeant and commander of a patrol, offered voluntarily to go to Csobotfalva in order to rescue possessions of the church. 6 Turkish carbines, 4 muskets, 4 bayonets, 2 hussar-sabres, 2 daggers, 1 golden chalice, 1 communion cloth, 1 chalice, 1 cassock, 1 belt, 4 red belts, 3 blue stoles, 1 paten, 2 pictures, 2 books, 1 cemetery-coat, 1 travelling fur-coat and 2 other objects I have received from him for delivery. Csiksonlyo, September 5th 1916. Zoltan G. Korbuly m. p."

Goldberger subsequently suffered much during the war, became ill and was nursed in a war-hospital in Budapest. There, the secretary of the Bishop of Transylvania, the Count Majlath, visited him, commended him, and promised to report the meritorious feat to the authorities.

Goldberger saved the church property amid a shower of bullets. This, of course, will not safeguard against Jew-baiting calumnies.

*Yore Deah* 155 treats of the wood of the "Ashera-tree" the ashes of which must not be used for medical cures. Justus metamorphoses this into a prohibition against "making use

of a thing which belongs to the uncleanest, namely to a Christian church."

This is Briman's way.

If the *Shulchan Aruch* forbids (*Orach Chayim* 217) reciting the benediction over spice hanging about the neck of a married woman (some say, of an unmarried one as well) as an ornament, because this may suggest improper thoughts; likewise spice, used for worshipping idols, which one is forbidden to smell — the 8th law of Justus (Law 7 in the fifth edition) metamorphoses the woman into an adulteress, and idolatry into a Christian church. In this instance, the *Shulchan Aruch* only excerpts the wording of the Mishnah which never mentions Christianity and hardly knew anything about it.

Everything that the Jew requires for divine service, for instance the Tsitsith mentioned before, must be manufactured by a Jew, and not by an 'Akum'.

For, if an 'Akum' (a Christian) manufactures the like, it cannot be used because it is unclean before God: the 'Akum' (the Christian) or excrements are foul and defile. Justus, Law 2.

This alleged law and its whole wording, including the so-called justification, is a forgery. Prayer scarfs are manufactured by Christians, festival garlands of flowers are bought from Christians, the Synagogue and the Holy of Holies are built by Christians. Only about the manufacturing of Tsitsith the Bible says, "Speak unto the children of Israel, and bid them that they make them fringes in the borders of their garments, throughout their generations, and that they put upon the fringe of the borders a ribband of blue. And it shall be unto you for a fringe, that ye may look upon it, and remember all the commandments of the Lord and do them." (Num. 15, 38; 39.) And in the writing of the phylacteries special religious rules must be observed. Aside from these, everything, even the most elaborate coverings for the Torah Scrolls may be manufactured by Christians.

If beast and burden belong to an "Akum" the Jew is not bound to fulfil the biblical commandment of loading and unloading; in this case "all pity and mercy cease". Justus, Law 33.

The last words are Justus' invention, and the whole is false, for Isserles adds: "And some say, One is bound to help in load-

ing and uploading, even if the 'Akum' himself is present, on account of the suffering beast, and also on every occasion where one would not be bound to do so for the sake of the owner, one is bound to give assistance for the sake of the beast (*Choshen Mishpat* 272, 9 Hagaah...<sup>1</sup> Be it remarked, in passing, that a Catholic author is of opinion (Monthly Catholic Review, vol. 25) that cruelty to animals is not only justifiable, but a duty if it benefits the human spirit. Pope Pius IX forbade the foundation of a society against cruelty to animals because it is a theological error to believe that man has any duty towards animals" (Westermarck, *The Origin and Development of the Moral Ideas* II, 508).

Lecky (*History of European Morals* II, 136) points out that in the duties prescribed by the early teachers of the Church, animals were not considered, but that this form of humanity is splendidly evidenced in the Old Testament. In fact, the Jews never indulged in beast-fights, and in rabbinic writings the duty of clemency and benignity towards animals is emphasized. Lecky quotes Paul (1 Cor. 9, 9: For it is written in the law of Moses, Thou shalt not muzzle the mouth of the ox that treadeth out the corn. Doth God take care for oxen? Evidently, Lecky says, Paul looks upon the duty towards animals as an otiose bit of sentimentality.

The Jew must not slaughter an animal that is not yet 8 days old. One must not believe an "Akum" (Christian) who says that the animal which he wants to sell is 8 days old because the Christians are liars. Justus, Law 47.

Not the *Shulchan Aruch* but Justus declares the Christians to be liars. In former editions he wrote: "Because the Christians are liars and cheats." What the *Shulchan Aruch* means is that the seller is not bound by the Jewish dietary law and that, besides, he is interested merely in selling his wares.

(1) An unbiased Christian scholar, Franz Kübel (*The Social and Economic Legislation of the Old Testament*, 1891, p. 26) says: The law may be said to have made of Israel a large Association for the Prevention of Cruelty to Animals, and its ordinances concerning this are so precise in detail and of such delicate thoughtfulness that modern associations of this sort could not surpass them.

It is forbidden to the Jew to take a Nochrith (Christian woman) as wet nurse in case he can get a Jewess; for the milk of the Nochrith (Christian woman) hardens the heart of the child, i. e. the child inherits her stupidity and produces an evil disposition. Justus, Law 48.

The expression "evil disposition" does not occur in the *Shulchan Aruch* nor in the sources; it is an addition by Justus. It is recommended (Rabbi Nissim on *Aboda Zara* II, 1), to prefer a Jewish nurse, because "compassion and modesty" are characteristics of the Jewish stock, and the mind of man is essentially influenced by the mother's milk.

Pope Innocent forbids Christian nurses to suckle Jewish children, for the Jews subject the Christian nurses to many indignities, and take away their milk for three days after partaking of the communion. (Epist. Innoc. Pap. III in Brequigny VIII ep. 121 f., 756...) Faciunt enim Christianas filorum suorum nutrices, cum in die resurrectionis Dom. illas recipere corpus et sanguinem Jesu Christi contingit, per triduum, antequam eos lactent, lac effundere (faciunt) in latrinam. Ep. Innoc. IV in Mansi XXIII f., 591... Faciunt Christianas filorum suorum nutrices in contumeliam fidei Christianae, cum quibus turpia multa committunt.

The contradictoriness of imputing to the Jew, at the same time, hatred of the Christians and belief in the transubstantiation of the eucharist offered no difficulty.

## VII. The Wine of the Non-Jews<sup>1</sup>.

Justus (Law 52) lies in stating that the touch of the wine-bottle or glass by a Christian "defiles" the wine. Why was the wine of the non-Jews in Mishnaic times forbidden? In the first place to prevent mixed marriages, secondly from fear that it may have been used in making a libation to idols. The fear with regard to the mixed marriages extended to all non-Jews, nay, even to Jews who were Karaites, while the fear about the libation applied to the "Akum" only. Where this fear prevails

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(1) According to *Yore Deah* 123, 1 (Nöldeke and Wünsche 18) the wine of idolaters is forbidden for any use.



the use of wine is forbidden. Where this is absent, drinking the wine is forbidden, but not using it.

According to *Yore Deah* 124, 2 (Nöldeke and Wünsche 19) the wine of the "Ger Toshab" who observes the 7 Noachic commandments, and, consequently, is no idolator, is forbidden for drinking, but it is permitted to use it.

In *Yore Deah* 123, 1 Hagaah, Isserles says: "In our time the use of the wine of a non-Jew is permitted." It is expressly stated in the commentaries to *Yore Deah* *Sifthe Cohen* number 2, in the name of older authorities, that "the nations of our time are not Akum, they have no idea of idolatry, and, therefore, it is permitted to put their wine to indirect use". Compare Nöldeke and Wünsche, Supplementary Report.

### VIII. Jews and the Christian Cult.

*Yore Deah* 117, 1. One must not deal in anything that is forbidden to eat; it is permitted to take these things for the payment of a debt from non-Jews because this means redeeming one's property from the hand of a stranger.

In Justus, Law 55, this precept has the following wording of his invention:

A Jew must not do business with unclean things (i. e., with pigs, with things belonging to a church, &c. as we shall see later on). But it is permitted to take these things from a Christian -- not to buy, but to take them from him in payment of a trumped-up debt is permitted, because it is always meritorious to take something away from the Christians.

Even where there is a question of Merkalis or other "Akum" (*Orach Chayim* 224) Justus metamorphoses them into "Christian churches" (Law 9).

The Jew is strictly forbidden to build himself a house near a Christian church. Justus, Law 57.

*Yore Deah* 143, 1 is quoted as authority. This statement of the two worthies Briman and Ecker is not only at variance with experience, but also with a Papal Bull of the 15th century.

In the first part of the 15th century, a Bull of Pius II. banished the Jews in Frankfort-am-Main from the neighbourhood

of the cathedral and ordered them to settle in another part of the town.

The Bull runs as follows<sup>1</sup>:

Bishop Pius, servant of the servants of God, to the dear sons, the Mayor and Council of the Imperial Town of Frankfort, diocese of Mayence, salutation and apostolical blessing. We have heard, not without surprise, that the Jews in the town of Frankfort have resided, and still reside near the church of Bartholomew, the principal church of the town and the adjacent burial-ground, where they, as it were, have constantly watched and still watch the ceremonies of the Christian faith, at burials and at the ministration of the holy communion, as well as at other holy acts, and listen to the chant of the daily divine service. As this leads to contempt and scorn of religion itself and of the service, and to ignominious example and to contumely for the Christian faith, you, incited by pious zeal and love of the rites of the orthodox faith, as it behooves Catholics and true Christians, with the consent of our dearest son in Christ, Frederic, Emperor of the Roman Empire, to whose sovereignty these Jews are subject, have asked (to be permitted) to abolish this abuse and proximity by removing them and their synagogue to another distant place of this town where they may sojourn without troubling and molesting the faithful, and to assign to them a certain place for their residence and for a new synagogue to be built according to their wishes. This being so, we permit you to carry out your commendable, pious, and religious intention of the removal and the assigning of the place; and that this may be done on Apostolic authority we give by this document the permission and right, barring every protest.

Done at Petroeli, diocese of Siena, in the year 1462 of the Incarnation of the Lord, on the 7th October of the 5th year of our Pontificate.

As to Justus, Law 63, we find that *Yore Deah* 148, 1 repeats the wording of the Mishna concerning behavior on the occasion of pagan festivals. The compilers of the Mishna neither mentioned nor knew Christian festivals. It is emphatically urged at the end of the chapter in the *Shulchan Aruch* that all these provisions have no validity at the present time. But that does not prevent Justus from translating the word "Akum" everywhere with "Christian".

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(1) M. Stern, *Urkundliche Beiträge über die Stellung der Päpste zu den Juden* (Documents referring to the Attitude of the Popes towards the Jews). I. Kiel. 1893.

Every sick person may have the use of the ashes of unclean animals or of other forbidden matters, except the ashes of the wood used for idolatry (for the objects of Christian ritual), since such is the uncleanest of all. *Yore Deah* 155, 3. Justus, *Law* 79.

But there is no mention, not a single word of "unclean", nor of the "uncleanest of all", nor of the "Christian church"! Only the wood used for idolatry, which the *Shulchan Aruch* immediately before designates as the "wood of the Ashera", a tree worshipped as a god, is forbidden.

The "uncleanest of all" is a favourite expression of Dr. Justus' for a church. He and his associate Rohling industriously heap the most filthy abuse on the symbols of the Christian cult with a view to making people believe that such slanders are to be found in the *Shulchan Aruch* or somewhere else in Jewish literature. This reminds me of what happened in the town of Kolomea (which I represented for 14 years in the Austrian Parliament) of which the records of the Corporation of Kolomea and the documents of the district court in Stanislau give evidence. Extracts from the document under notice were published in the Vienna weekly "Oesterreichische Wochenschrift", vol. 7, p. 625.

It was in the seventies of last century, 4 days before Passover when several people were passing the Greek-Catholic church after midnight. They saw a light in the church-steeple which, however, vanished soon and appeared again in the nave of the church. The people's suspicions were roused, and they woke the priest who lived near the church. He quickly gathered some watchmen, police constables and church elders. Some of them occupied the entrances to the church, others went in. Even before the candles were lighted the olfactory nerves were strangely affected, and when the church was lighted the altar was seen to have been shamefully desecrated and the images of the saints defiled. A certain statue had a long "Arba-Kanfös" (small scarf) with long fringes (Tsitsith) on its shoulders, and all collection boxes were emptied. "Surely", they cried, "this is the work of a Jew. They shall suffer for it. What a pity that our elder Zalucki is not here. He was once a police sergeant, so he knows how to deal with Jews". Breathing vengeance against the Jews,

they climbed to the steeple in order to see what had become of the big chest in which the church treasure was kept. It also had been completely rifled. But when they looked under the chest which was placed on a high trestle the longed for Zalucki was discovered. He lay there, rolled up like a hedgehog, holding the church spoils in his arms. The pious elder who every Sunday made incendiary speeches against the Jews was given over to the police, and, after a protracted examination, he was brought to trial. In his defence he said, literally, "It was not my intention to desecrate and rob the church, but as a good Christian I did this only as a means of engineering a raid against the Jews."

A second case of similar nature is reported in the same weekly, vol. 14, p. 652.

In Zborow (Galicia) the Roman-Catholic church was broken into. The collection boxes in the entry and the alms-boxes at the sides were broken and rifled of their contents. The images of saints, most of them oil-paintings, were mangled so as to be almost unrecognisable and befouled with inscriptions which cannot in decency be repeated. Apart from the crime committed, the material loss was considerable, as the church would have to be newly consecrated and the money stolen, together with the costs of repairing the pictures, would amount to a large sum. The case naturally created a wild sensation. The perpetrators of the sacrilege were searched for in vain; at last it was suggested that only "the enemies of the Church" could be the criminals, as an ordinary thief had no motive maliciously to damage the saints' images. The Jew-haters utilized this juncture and created a strong feeling against the Jewish residents of Zborow who were greatly dismayed in consequence, fearing an outbreak of violence against their properties and lives. Fortunately the police succeeded in collaring the malefactor in time. A petty clerk in the district court, a Roman-Catholic, was caught in a burglary and arrested. While being cross-examined he behaved so strangely that it became evident he had something else on his conscience. In fact, he confessed to having perpetrated the sacrilege, the desecration of the images having been a trick to divert the suspicion to the Jews.



This is exactly Justus' mode of procedure: his reviling the Christian church as "unclean" is an act of sacrilege perpetrated with the intention of laying it at the doors of the Jews. The *Shulchan Aruch* is absolutely innocent of these slanders; there are certainly none against the Christian Church. In the same way he invents "lust" as a name for Christianity simply in order to slander the Jews.

As to Justus, Law 66, the *Shulchan Aruch* (*Yore Deah* 148, 9) recommends that Jews who meet an "Akum" on the festivals of idolaters should salute him in a low voice, not loudly, and with bowed head. Justus makes this out to apply to Christian festivals.

The fourth Lateran Council (1210) provided that the Jews should not appear in public at Easter, on the alleged ground that it had happened that some of them had not been ashamed to appear at this time in festival raiment and had had the temerity to deride the Christians. (Mansi, *Concilia* XXII, 1054 ff.)

Canon 68 of the 4th Lateran council has this general provision: On Sundays and on the festivals of the Christians the Jews must not, unless on urgent business, go out of their houses, or keep their doors and windows open; likewise they must not eat meat on such days.

These resolutions of the Council were substantially incorporated in the canonical law.

It not infrequently happened that a bishop on the eve of Palm Sunday stepped into the pulpit and admonished the people to avenge the blood of their Redeemer on his murderers. (Hahn, *History of the Heretics* III, p. 46, footnote 7.)

Passion Week was, from the beginning of the Middle Ages, the favourite time for massacres of Jews. Our contemporaries cannot fully realize what the Jews suffered year in and year out in Passion Week, when the most malignant instincts in human nature were aroused. All the furies were conjured up in order to drag the victims of fanaticism through the mire, the while the bloodthirsty mob yelled: They have crucified our Lord!

Did the Jews crucify Christ? And what if they did? Who has ever thought of punishing the Greeks for poisoning Socrates?



An irrepressible rabbi once put the somewhat delicate question to a Christian dogmatist:

"If the crucifixion of your Saviour was in truth planned by Providence from the beginning of Creation, how can you make the Jews responsible for it who are alleged to have perpetrated the act, or even look upon them as guilty when they simply were involuntary tools of the Divine Omnipotence? If Providence shaped their acts, could they oppose it? And for an act performed involuntarily in order to bring about the irrevocable Redemption planned by Providence, for an event the consequences of which you hail as a blessing to past and present generations, you not only wreaked vengeance upon our fathers, but also wish to visit your wrath for centuries and centuries upon their descendants? But when you wished to persuade us to adopt your religion, we were told of a 'God of love' to whom you prayed, and the 'Jewish God' you called a cruel 'God of revenge'. Where is the 'love', and where the 'revenge'?"

In Toulouse, every year on Good Friday, a Jew was slapped in the face; but the Jewish God is a God of revenge. One day, at Easter 1312, the Viscount de Rochechard, Hugh Chappellain d'Aymaric, came to attend the splendid festival in Toulouse. The nobleman with the sonorous name was justly chosen to perform the immemorial function of slapping the Jew. Sir Hugh was as strong of hand as he was zealous of faith, and the slap he administered was of such vigour that he dashed out the brains of the Jew who fell dead to the ground. The Jews fetched the body of their coreligionist out of the church of St. Stephen's in Toulouse, and buried him. The hero of this story has become immortal, owing to this feat, while the name of his victim was forgotten as were those of the daring Semitic sea-forces who founded the towns on the Southern coast of France.<sup>1</sup>

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(1) In Tchorlou (district of Adrianople) the Greeks during Passion Week practised the custom of burning Judas Iscarioth in effigy. This often led to riots, and sometimes the mob marched to the Jewish cemetery and exhumed a corpse; this they would steep in oil, nail to a plank, and burn amid the yells

6 Bloch, *Israel and the Nations*.

Later on, this ceremony was commuted into a tax. But in the terrible days of Passion Week the Jews dared not leave their houses, and it was said that "during Passion week, they are all ill — because of their sin".

In a French religious play of the 15th century *Le mystère de la Passion de Notre Seigneur Jésus-Christ*, which was performed in Angers and Paris, amid the cheering of the populace, there is a scene in which the devil complains of the wicked Jews because they thwarted all his efforts to save the life of Jesus, and wrung the sentence of death from Pilate.

In the opinion of the French dramatist, the devil argues quite correctly. For, without the death on the cross there is no redemption and the whole guilty human race is forfeited to the infernal powers. Therefore, Satan is justly incensed against the Jews who cooperated in bringing about the sentence of death.

This is the tragedy of the Jews. On the one hand they are persecuted as the adversaries and enemies of Christianity, and on the other hand they are hated by the atheists, like Voltaire and Schopenhauer, as the founders and authors of Christianity.

## IX. The Psalm "Shephoch".

Justus says (Law 12):

On Pascha Eve (the evening before Passover), every Jew is required to recite the prayer "Shephoch", i. e., a Jewish prayer in which God is called upon to pour out his wrath upon the Goyim (Christians). And if they (the Jews) will say the prayer devoutly, then the Lord will, without doubt, grant the prayer and send Messiah who will pour out his wrath upon the Akum (Christians).

The text of the "Shephoch" is nothing else but the wording of Psalm 79, 6, and consequently dates from a time when no Christians existed. The wrath of God is invoked against "the heathens that have not known thee, and upon the kingdoms that have not called upon thy name". (Psalm 79, 6.) And all the

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of the populace. The Jews dared not complain. Only very recently (20th cent.) they applied to the authorities for redress.

commentators have been stating for centuries that these words do not refer to Christians nor to other civilised nations.

This psalm which, according to Briman and Dr. Ecker, refers to the Christians was also recited in churches, and no less a man than Lessing made this verse the subject of a sermon which, unfortunately, has been lost.<sup>1</sup>

Regarding it, Lessing's friend, Friedrich Nicolai, writes:

While Lessing lived in Hamburg there arose a great theological dispute. For a long time, on the penitential days, there had been read a churchprayer in the Hamburg churches which contained, among others, the words of Psalm 79, 6: "Pour out thy wrath upon the heathen, and upon the kingdoms that have not called upon thy name." In 1769, Alberti and another preacher maintained that it was against their conscience to recite these words from the pulpit, and they omitted them from the penitential prayer. Pastor Goeze raised his voice against this, and the public sided with him, wishing, according to tra-

(1) The so-called "vindictive Psalms" have their analogies in the Gospel.

And thou, Capernaum, which art exalted unto heaven, shalt be brought down to hell (Matth. 11, 23).

Gather ye together first the tares, and bind them in bundles to burn them (Matth. 13, 30).

But those mine enemies, which would not that I should reign over them, bring hither, and slay them before me (St. Luke 19, 27).

And whosoever shall fall on this stone shall be broken: but on whomsoever it shall fall, it will grind him to powder (Matth. 21, 44, and many other passages).

And the angel thrust in his sickle into the earth, and gathered the vine of the earth, and cast it into the great wine-press of the wrath of God. — And the wine-press was trodden without the city, and blood came out of the wine-press, even unto the horse-bridles, by the space of a thousand and six hundred furlongs (Revel. 14, 19; 20).

As we said before, so say I now again, If any man preach any other gospel unto you than that ye have received, let him be accursed (Gal. 1, 9).

And when he had opened the fifth seal, I saw under the altar the souls of them that were slain for the word of God, and for the testimony which they held: — And they cried with a loud voice, saying, How long, O Lord, holy and true, doest thou not judge and avenge our blood on them that dwell on the earth? (Revel. 6, 9; 10.)

dition, to retain the verses in the prayer. Lessing was of opinion that the church prayer might be defended; but the matter should be carefully examined in order to ascertain the sense in which this prayer could be used with perfect propriety. Alberti answered that no examination would help in this case, for it was disgusting on any account to say such a prayer. Lessing maintained his opinion, and Alberti replied, he would like to see how one could harmonize the commandment, "Thou shalt love thy neighbour as thyself", with this prayer. Then Lessing replied: "I shall show you". Lessing went away and finished in a few days:

*A sermon about two texts, on Psalm 79, 6: Pour out thy wrath upon the heathens &c. and on Matthew 22, 39 (originally Lev. 19, 18), Thou shalt love thy neighbour as thyself. Translated from the English of Yorick.*

This sermon, of which only a few copies had been printed, which Lessing later, out of consideration for Alberti, destroyed, and was thus completely lost, was, according to Nicolai, a masterpiece. Yorick's manner was imitated to perfection — just his simplicity, his sagacity and good-natured philosophy, his humane sympathy and tolerance, his bursts of cheerful humour which spontaneously spring from the most serious subject.

## X. Imputation of Murderous Intentions.

Another accusation alleges that the *Shulchan Aruch* imputes murderous intentions to the Goyim.

Justus Law 76, says:

The Jew must never be alone with an Akum because the latter is suspected of bloodshed.

What was the state of things at the time when this suspicion was voiced?

We read in the *Book of the Devout* (13th century), numbers 698 and 1021:

Whose mouth speaketh vanity, and their right hand is a right hand of falsehood (Psalm 144, 8). At one time, the command was inflicted on

the Jews to give up Judaism, to be baptised, and to become Christians. Some barons, simulating goodwill, promised the fleeing Jews their protection; the Jews trusted them, but were murdered. That is why the ancients said, A Jew must not be alone with a non-Jew.

### The same, number 257:

A Jew who has sent a Christian across the country should pray for his safe return, for if he does not return alive, there is fear of danger for the Jew.

For Christians also in some countries such precautions were needed.

Buckle, *History of Civilization*, I, 1, p. 64 says: In some Macedonian tribes a man who had not yet killed an enemy was marked with a degrading stain. Grote, *History of Greece*, XI, p. 397, says: Among the Dyaks of Borneo a man cannot marry before he brings the head of a man; if he brings several he is known by his proud bearing, for this is a patent of nobility. See also Earl's Account of Borneo in *Journal of Asiatic Society* IV, 181, and Crawford in the *Borneo Journal of Geographical Society* XXIII, 77, 80.

Even the odour of sanctity was a source of danger. When St. Romuald once threatened to leave Italy a man was dispatched to murder him in order to keep at least his corpse in the country as a precious relic. See Gregorovius, *History of Rome in the Middle Ages* II, 225; Neander, *Universal History of the Christian Religion* IV, 305. Of such little weight was the sin of murder in the centre of Christianity in the 10th century.

### As to Justus, Law 80,

It is forbidden to have one's hair cut by an Akum if there are no other people present,

the mere fact that no orthodox Jew of to day hesitates to be shaved or to have his hair cut by a Christian, whether in his house or anywhere else, proves that all these laws of the *Shulchan Aruch* have been void for a long time. The same is to be said of Justus, Law 3, *Orach Chayim* 55, 20 "Ten men must be in a place in order to say Kaddish (the prayer). Some say, it is necessary that there be no filth or an Akum among them". Similarly



in Justus, Law 6. This passage too might have enlightened him as to the facts. For where and when, in the name of common-sense, did the Jews ever hesitate to say their prayers in the presence of a Christian? Do not Christians repeatedly come into the synagogue? Do not orthodox Jews say their prayers even in the trains or in public houses in presence of Christians?

"Akum" in this passage does not mean a person at all, but an idol. In an unclean place or in a hall where idols are set up, it is forbidden to say one's prayers.

Justus, Law 78,

It is forbidden to be cured gratis by a medical man or an apothecary who is an Akum, unless he is reputed to be an able man, because it is to be feared that he will injure the Jew deliberately. But if he is paid for it, this is not to be feared.

The *Shulchan Aruch*, of course, does not speak of Christians, but of actual idolaters, just as in Justus, Law 78. One must not sell to an idolater a garment with Tsitsith, as Gildemeister has it, with a malicious point, the imputation of murderous thoughts.

We draw the attention of the reader to the different decrees of genuine idolaters, just as in Justus, Law 76,

The Jews are not permitted to sell meat to the Christians, for they are suspected of intentions to poison the Christians. Conc. Prov. Narb. can. 2 Conc. Vienn. can. 18 . . . , nec Christiani carnes venales, seu alia cibaria a Judaeis emant, ne forte Judaei per hoc Christianos, quos hostes reputant fraudulenta machinatione venient. Stat. Syn. Eccl. Nem. can. 3 (Hahn, *History of the Heretics* III, p. 47, footnote 1).

For the same reason, the canonical law forbids the Jewish doctors to exercise their calling on Christians, because they might poison the Christians deliberately. One will remember the denunciation of poisoning the springs. See also Conc. Viennense in Mansi *ibid.* XXIII f., 1174 Can. XVIII.

Professor Gildemeister cannot possibly have been ignorant of all this when he complained (wrongly, on the strength of a misunderstood passage) that, according to the *Shulchan Aruch*, the Christians were represented "as having no other thoughts but to murder Jews". On account of such a suspicion on the part of the Christians, innumerable Jews were massacred.

The Canonical Law forbids Christians to be treated by Jewish doctors. But the Popes and their officials, clergymen, monks, and nuns preferred Jewish doctors. (As to the doctors of the Popes see Marini, *Degli architri pontificij*. Rom 1784, I, 134; 290; 367; 414; 417; 418; II, 62; 249; 268; 297.) The author of a Jewish book cured the secretary of Pope Martin IV (1281—85) (Virchows Archiv 39, 330). Martin V. cancelled the prohibition against practising on Christians in the year 1422. Eugen IV., Nicholas V. and Calixtus III. re-established it. See L. Fürst, *Contributions to the History of Jewish Doctors* in the *Annual for the History of Jews* II, 351. *Österr. Wochenschrift* 1893, p. 577 ff.

The physicians in ordinary of Pope Boniface IX, Manuele and his son Angelo, received from him and from the Roman authorities the privilege of exemption from taxes for themselves and their families because "they had proved themselves in the exercise of their art accomodating, benevolent and obliging, had helped the poor and needy, had not insisted upon payment, and were extremely expert in their art". (Marini, *ibid.* 2, 62.) Likewise Innocent VII. conferred the freedom of Rome and other privileges on the doctors Elia Dr. Sabbato, Moses Lisbona, Moses D. Tivoli 1406 A. D. (Gregorovius, *Years of Travel in Italy* I, 86.)

King Frederic of Sicily remarked:

We remember to have heard in the sermons of the priests that every believer is guilty of excommunication and of a deadly sin who employs a Jew for curing his body. But we see that as a rule there is no other doctor but a Jewish one in the cloisters, in those of men as well as in those of nuns. Menéndez, *Ensayo historico su Arnaldo de Vilanova, Medico catalan del siglo XIII* (Madrid, Murillo, 1879, p. 66).

The same condition exists to day. In the Austrian Parliament I was once able to prove to the anti-Semitic leaders who virulently denounced the Jewish doctors in the Viennese hospitals and the Jewish professors of medicine at the Vienna University that in cases of serious illness they themselves applied to Jewish doctors and followed their advice.

## XI. Jews as Church Builders.

Justus (Law 59) says:

People collecting money for idols (for Christian church purposes) must not be given anything; but this prohibition applies only to those cases in which the money is employed by the church authorities for the requirements of the idol-house (the church) itself.

Of course, the *Shulchan Aruch* speaks here, too, of actual idolaters; Justus declares the Christians to be such, and aims to impute this opinion to the *Shulchan Aruch*. Here are some facts showing how Jews actually behave in connection with the building of churches.

By order of Pope Pius IX., the cardinal Patrici wrote a letter to the bishop of Nyitrai by which the right of advowson was granted in all the churches on his estates to the Baron Leopold de Podhragy-Popper, a Jewish landowner. Afterwards this privilege of Leopold de Popper's was extended also on his estates in the arch-diocese of Leopold (Lemberg) in recognition of "the generosity and kindness with which he treated the Catholics who lived on his estates in Hungary as well as in Galicia, helped the poor, furthered the public morals, assisted the churches and their institutions, and bore the burden of patronage."

Baron Leopold Popper was an orthodox Jew who did not hesitate to put on Talith and Tephillin at the time of prayer, in the train or in his carriage. He was one of the most ardent and loyal members of the congregation of the orthodox Rabbi Spitzer in Vienna.

In Gleissen, a remote village in Prussian Silesia, the portrait of a Jewish benefactor, a non-baptized Jew, is treasured in the church in a place of honour. This church was built in the year 1837 by the then owner of the estate, Israel Moses Henoeh, who by starting an alum works and a silk factory, which, even during the past century employed 400 workers, brought about the prosperity of the village. He built the church, the school, and charitable institutions.

The following declaration of the Catholic community in Darmstadt was printed in the Grandducal Hessian newspaper of the 13th January 1813:

"The members of the Jewish community of this town have, of their own accord, contributed a substantial sum toward the Catholic church about to be erected, and have handed it to those signed below. Though we are convinced that the said community never counted on any thanks, and were impelled solely by the wish to advance as far as in them lies a worthy cause, the signers nevertheless think it incumbent upon them to give them herewith public thanks, because the act, not only for themselves but for all their fellow-citizens, is such a beautiful indication of that enlightenment which knows no difference of religion, and honours humanity in all human beings of whatever creed they may be. Darmstadt, the 11th of January 1813. The President of the Catholic Parish."

In the village of Kutta, in Galicia, a fire broke out in the Roman-Catholic church on the 3rd of November in 1895. The Israelites of that place were the first to appear on the scene of conflagration, and, entirely disregarding the danger to their lives, some of them rushed into the church and saved all the sacred objects. Shortly after they had left the church, it collapsed with a great crash. The Christian population gave vent to their enthusiastic feelings of gratitude for this courageous, self-denying act.

"The Pilgrim", in its issue of the 15th November 1894 reports:

"The owner of the glass works in Burmoos, Herr Ignatius Glaser, an Israelite, has performed an act of rare beauty for his Catholic workmen who, from want of time, cannot attend the distant churches of Lamprechtshausen, St. Georgen or Oberndorf. He built for these workmen a very fine chapel which was consecrated on Sunday, the 2nd of September, by the Reverend Dean Anton Keil who delivered a touching address. At the same time the holy crucifix was consecrated by a Franciscan friar. The Catholic workmen are very much obliged to their employer Herr Ignatius Glaser for this kind and beautiful act and wish there were many like it."

On the 11th of September 1887 took place the laying of the foundation stone of a church in Gersthof by the Cardinal Bishop

Ganglbauer of Vienna: the Apostolic Nuncio Galimberti was also present. The "Vaterland" reported about this ceremony: "The church will be built after the plan and the sketches of the distinguished architect Jordan; we must not omit to mention that the site is the gift of Herr Dub, an Israelite. Father Viktor Kolb of the Society of Jesus, in an elaborate speech, gave due praise to the man who had so generously donated the site. The chairman of the building committee then read the deed of gift, from which the assembled learned that the donor added to the site of the church a plot of ground for the erection of a parsonage. The Cardinal-Archbishop of Vienna also praised the kindness and generosity of the Jewish donor.

The Roman-Catholic vicar of Buchin, Stefan Kovac, wrote the following letter to the „Pester Lloyd“ on the 25th September 1901: "About five years ago, Herr Wilhelm Guttman de Gelse, upon buying the estate of Buchin in Slavonia from Count Yankovich, was granted the right of advowson in our church. In this short time Herr Guttman has given us many proofs of fatherly care for our church. The church dates from the 13th century, and is a historical monument which was not in good repair. Herr von Guttman practically rebuilt the church, and for that purpose he furnished the whole material and the men. The fact that he, as an Israelite, proves such a generous patron of our church is a great honor to him. I myself and my parish are greatly indebted to the noble landlord...

Buchin, the 21st of September. Stefan Kovac, Roman-Catholic Parish Priest."

## XII. Fomenting Class Hatred.

Professor Gildemeister, misled by Justus, went as far as to contend that the *Shulchan Aruch* does everything to stir up what is now called class-hatred against the Goyim. It is inconceivable that a scholar should pass judgment on medieval writings of the Jews without examining contemporaneous Christian literature on the same subjects; that he should expect the writings of Jewish theologians, which reflect personal opinions only, to be more humane, more liberal, more tolerant than the



numerous resolutions of the Christian Councils which were literally embodied in the Canonical Law such as those which forbade Jews to associate with Christians at bathing, sports, meals, and festivals, to employ Jewish servants, particularly nurses, to practise the medical profession on Christians (see Hahn, *History of the Heretics*, III, Supplements: *The Decrees of the Councils*).

St. Bernardine of Siena (born 1380, died 1444) delivered the following sermon:

The first truth is that thou committest a deadly sin, if thou eatest and drinkest with them. The second truth is that sick persons must not employ a Jew in order to recover their healths, because this, too, is a deadly sin. The third truth is that one must not bathe in the company of Jews.

A Christian, if she is in the service of a Jew, commits a deadly sin, as do also women who suckle Jewish children, who do service as midwives to Jewesses, who wash their children, who live and eat with them.

Even at executions, the Jewish criminals were isolated from the others, and down to the 14th century they were hanged between two dogs, their heads turned down. (See Michelet, *Origines du Droit Français*, p. 368.)

A similar decree was issued in Spain (Rios, *Etudes sur les Juifs d'Espagne*, p. 109).

Perhaps the strangest edict of the sort was the regulation concerning houses of ill-repute in Avignon, issued by "Good Queen Joanna I" in the year 1347. After carefully providing certain specified comforts for Christians, access was forbidden to the Jews, on pain of severe punishment. The genuineness of this ordinance has been contested, but Sabatier has succeeded in establishing it, and he proves that a Jew was actually scourged in Avignon in 1408 because of the said offence. (Sabatier, *Histoire de la législation sur les femmes publiques*, p. 103, 105, 106.)

The extraordinary abhorrence of Jews suggested to Ulrich von Hutten one of his happiest caricatures, namely the mental conflict of a Frankfort student who having mistaken a Jew for a municipal magistrate had doffed his hat to him, and upon discovering his mistake could not make up his mind whether he had committed a capital or merely a venial sin (*Epistolæ obscurorum virorum*. Ep. 2).

## Chapter VI.

### LAWS OF MINE AND THINE.

#### I. Injunctions against "Robbing" Non-Jews.

The following calumny runs like a scarlet thread through the writings devoted to Jew hatred:

"That it is the right, yea, even the duty of the Jew to hurt the Christians morally and physically, to rob them, to exterminate them, secretly as well as by force, so that they have made it a rule, The life of the non-Jew (O, Jew!) is in thy hand, how much more his property."

Professor Rohling has even confirmed by oath such depositions. Both experts in the lawsuit Rohling *versus* Bloch, the professors Th. Nöldeke and August Wünsche, submitted the following translations of the Talmudic laws with regard to "Mine" and "Thine" to the Vienna Law Courts.

Who robs a Goy must give it back to him. The robbing of a Goy is graver than that of an Israelite on account of the profanation of the Holy name. *Tosefta Baba Kamma* 10, 15; N. and W. 46.

Nöldeke and Wünsche add:

"As to the conception of 'robbery' according to the Jewish law we refer to our note on number 15."

The note to number 15 runs as follows:

"We must call attention to the fact that 'robbery' in the Jewish law has a much more comprehensive connotation than with us. It includes all acts commonly recognized as pecuniary injuries (not done as thefts).

Maimonides says on this point:

And it is forbidden to rob anybody whoever it be, thus ordered the Torah; it is even forbidden to rob a Goy who worships idols, or to withhold from him his property, and if he (the Israelite) robs him or withholds from him his property he must restore it. Maimonides, *Mishne Torah, Hilchoth Gezelah* I, 2; N. and W. 47.

In *Baba Metsia* 111b, it is true, the opinion of Rabbi Jose is mentioned, that "robbing a Nochri is permitted". But Nöldeke and Wünsche state expressly, that this opinion is not the accepted one. Rabbi Jose lived at the time of Hadrian when the Jews were pillaged by the Romans, yet he did not succeed in winning any authority over to his opinion; it was rejected by the majority of his associates in the college. The decisions in Maimonides and the *Shulchan Aruch* agree in rejecting it.

And it is forbidden to rob even an idolatrous Goy or to withhold something from him, and if one has robbed him, or withheld something from him, one must restore it. In the Gemarah they (the Rabbis) of blessed memory said: Even such people as one is permitted to kill, for instance heretics (Minim), even from such one it is not permitted to rob or steal, or to defraud them of anything. And this they said in this meaning (for the reason): Perhaps they will bring forth worthy seed (worthy descendants), and then the money will belong to them. Aron of Barcelona (1274—1310), *Sefer Hachinuch*, number 224 and 229; N. and W. 65.

Nöldeke and Wünsche add:

He who injures the property of condemned heretic injures his offspring who may perhaps be true believers. Killing heretics was practically never possible to the Jews. The prohibition to injure their property may have had practical significance.

One must not do wrong to a Nochri either; this belongs to the things which are degrading. He will not prosper in his property, and even if fortune favours him his seed (his offspring) will have to pay heavily for it (they will have to suffer for it). *Sefer Chasidim*, number 1074; N. and W. 61.

And there is a robbery (i. e. pecuniary injury; see above Nöldeke and Wünsche on number 15) of a Goy that leads to more evil than the robbery of an Israelite. For if an Israelite arrives (where another committed robbery) he will be robbed (again), and thus this one offender robs the other Jews of much good that might have fallen to their lot in the town where they happened to be (if they had come there as traders). Ibid. number 600; N. and W. 62.

It is written (Deut. 6, 5), And thou shalt love the Lord thy God, i. e., thou shalt strive to win the goodwill of thy fellow men. And thou art to beware of overreaching and robbery, be it of an Israelite, be it of a Goy,\* or of any man whatsoever, for who steals from a Goy will in the end steal from an Israelite as well, and who perjures himself to a Goy

will in the end perjure himself to an Israelite, and who deceives a Goy will in the end deceive an Israelite as well, and who sheds the blood of a Goy will in the end also shed the blood of an Israelite. The Torah has been given for sanctification of his (of God's) great name, as is written (Isaiah 66, 19), *And I will set a sign among them.*

And further: And they shall declare my glory among the nations. *Yalkut* II, § 837, p. 583 a; N. and W. 49.

Rohling, on the contrary, says (*The Talmudic Jew*, p. 62):

It is permitted to an Israelite to wrong a Goy, for it is written, Thou shalt not wrong thy neighbour, but it is not written, Thou shalt not wrong the Goy. Robbing a Goy, says the Talmud again, is permitted. And thou shalt not oppress the day labourer of thy brothers; the others are excepted.

In confirmation of which Rohling quotes *Sanhedrin* 57, 1 Tos.; *Baba Metsia* III, 2.

Nöldeke and Wünsche have given the literal translation of both these passages:

And it says (Gen. 6, 11), The earth also was corrupt. He (man) is only punished when he has been warned before. *Sanhedrin* 57 a.

Nöldeke and Wünsche 70 remark on this:

"Here is nothing to resemble Rohling's quotation."

For it has been taught (Deut. 24, 14):

Thou shalt not keep from the hired servant, the needy and the poor of thy brethren what is due to them; excepted are the others (the strangers). Thy stranger, i. e. the perfect proselyte; in thy gates, i. e. the proselyte of the gate who eats animals which die in the field. From this I only know how it is if he hires a man (and does not give him his hire rightly). But how can it be proved that also (the hire for hired) animals and chattels is included in it? Because it says (in the verse), In thy land. Consequently this means, Everything that is in thy land. With regard to these, one trespasses (in case of transgression) against all these scriptural injunctions; accordingly they (the rabbis) said, If somebody hires a man, or an animal, or an implement he must observe the commandment, "At his day thou shalt give him his hire, the wages of him that is hired shall not abide with thee all night until the morning" (Deut. 24, 15; Lev. 19, 13). Rabbi Jose, the son of Rabbi Juda, says, As to 'sojourner' proselytes (who work as

(1) Cf. Philo, *de virtutibus* 147 (ed. Cohn-Wendland): "The law means to impress on those that have ears in their souls that nobody belonging to a different nation may be wronged if he cannot be reproached with any other thing than foreign descent which is no guilt."

day-labourers for an Israelite) the rule holds: At his day thou shalt give him his hire (Deut. 24, 15), but not, the wages of him that is hired shall not abide with thee all night until the morning (Lev. 19, 13). With regard to animals and chattels only the rule is valid. Thou shalt not keep from the hired servant (Deut. 24, 14), *Baba Metsia* 111 b; N. and W. 71.

Nöldeke and Wünsche explain the passage thus:

According to this opinion, the proselyte of the second order is equal to the Israelite in that his wages must not be kept from him, and that his day hire must be paid to him on the same day, but not in respect of the boon that his wages for night work may not be withheld by the employer over night, and that the hire for beasts and chattels must be paid on the same day. It is evident that the discrimination arrived at by means of hair-splitting is of the slightest. For our own time all this is, of course, altogether void.

We leave it to the reader to judge whether Rohling has succeeded in justifying his calumny by the two passages quoted.

## II. Laws against Theft.

It is one and the same whether one steals money from an Israelite or from a Goy, who worships idols, one and the same, whether one steals from a great man or a small. Maimonides, *Mishne Torah*, *Hilchoth Geneva* I, 1. N. and W. 50.

It is forbidden to buy from a thief an object that he has stolen; and this is a great sin.

For by this one countenances the transgressors (of the law), and one induces him (the thief) to commit other thefts as well; if the thief finds no purchaser he does not steal. And to such a one the proverb applies, Who so is partner with a thief hateth his own soul (Proverbs 29, 24). Maimonides *ibid.* V, 1. N. and W. 51.

Nöldeke and Wünsche remark thereon:

That one must not countenance the transgression of the law is a fundamental ordinance repeatedly declared in the Mishna.

Justus (p. 110) regales his readers with this:

Maimonides *Sefer Mizvoth* f. 105 b, likewise *Mishne Torah* 4, 9, 1 teaches that the Jew may steal from a non-Jew, but not from a Jew.

And he wishes to prove (Law 28 and Law 36), that it is permitted to buy stolen goods.

It is forbidden to buy anything which may be assumed to have been stolen, and if one may assume that most of the thing concerned was stolen one must not buy it either. Therefore one must not buy from a



shepherd wool or milk or kids. Maimonides, *ibid.* VI, 1; N. and W. 52.

The prohibition of theft occurs first in the Decalogue, Ex. 20, 13, and in Deut., 5, 17 besides in Lev. 19, 11. The Talmud and the rabbis deduce from this that in these texts a double kind of offence is dealt with. The prohibition in the Decalogue is a prohibition of theft subject to capital punishment, i. e. a crime, and means theft of human beings, while Lev. 19, 11 concerns the less punishable theft of money. In the prohibition of theft in general there is no discrimination made between stealing from a Jew, or a "Ger Toshab", or an idolater. In regard to theft of human beings, Maimonides discriminates so as to restrict the capital punishment to stealing, that is abducting a Jew.

Ye shall not steal (Lev. 19, 11). This deals with a prohibition of (rather with an admonition against) stealing money. On the other hand the words, Thou shalt not steal (Ex. 20, 13; Deut. 5, 17) are a prohibition of (rather an admonition against) abduction. From the contents of this prohibition it follows that one must sentence him (that is, such an abductor) to death. Rashi on Lev. 19, 11. N. and W. 67.

Nöldeke and Wünsche remark on this:

As the other prohibitions in the decalogue concern capital crimes, the saying, in the decalogue, Thou shalt not steal, cannot possibly be meant for simple theft (theft of money) but for abduction.

He (God) cautions against the abduction of an Israelite; this he (God) has said in the Decalogue, Ye shall not steal. According to the *Mechilta* the words, Thou shalt not steal (Ex. 20, 15), are an admonition concerning abduction. Maimonides, *Sefer ha-Mitswoth* 11, 243; N. and W. 68.

Everybody who abducts an Israelite trespasses against the prohibition, Thou shalt not steal. This verse which is to be found in the Decalogue, is an admonition for the kidnapper. And likewise he who sells a human being transgresses the prohibition which is included in the prohibition. They shall not be sold as bondmen (Lev. 25, 42).

Offenders against these two prohibitions are not punished by stripes because they are merely a warning against the sentence of death (i. e. refer to a crime punishable by death), as it says (Deut. 24, 7). If a man be found stealing any of his brethren, etc. (A stealer of men was killed by strangling). *Id. Mishne Torah, Hilchot Geneva* IX, 1; N. and W. 69.

Nöldeke and Wünsche add in explanation:

Not a word is anywhere found permitting a non-Jew to be abducted.

Rohling (*The Talmudic Jew* p. 63) says: "The prohibition, Thou shalt not steal, means according to the 'Eagle' Maimonides, that it is forbidden to steal a human being, that is a Jew (*Sefer ha-Mitswoth* 105, 2), and elsewhere he adds (*Yad Chuzaka* 4, 9, 1 and Rashi on Lev. 19, 11) that a non-Jew may be stolen."

No need to say that this is a fabrication. In Jewish Law the abduction of either a Jew or Gentile is forbidden; the discrimination refers only to the manner of punishment. Rohling and Justus, who are revolted because Maimonides and other Jewish teachers pronounce the abduction of a non-Jew is not a capital crime should be reminded of the fact that the Church does not hold the kidnapping of Jewish children to be punishable at all and that it expressly forbids their being returned. The boy Mortara in Italy, the girls Rachel Stieglitz and Regina Morgenstern in Cracow, the daughter of Arathen in Leopold (Lemberg) were lured into convents by priests and never allowed to return to their parents. In the Austrian House of Deputies, these and other cases of kidnapping by nuns and priests were more than once discussed. The Law Courts were powerless because, as the Minister of Justice once told the stricken father of one of these girls, the power of the State stops at the gates of convents.

Other cases of kidnapping are reported in Dr. Bloch's *Oesterreichische Wochenschrift* 1896, p. 857, 860; 1897, p. 682; 1890, p. 250; 1900, p. 235, 531, 768, 780, 410, 737; 1901, p. 321.

I myself repeatedly lodged protests in public meetings of the Austrian Parliament and in petitions to the Government on behalf of unhappy parents whose children had been kidnapped. These wrongs in Galicia excited great indignation, but the government was unable to redress them.

In the meeting of the Hungarian Delegation (May 1900) cases of Mohammedan children having been kidnapped by priests were discussed.

A Mohammedan deputation (May 1901) waited upon Emperor Francis Joseph in 1901, and complained that, since Bosnia had come under Austrian rule, their children were being kidnapped by priests and placed in convents. The old emperor was deeply grieved and promised redress. No sooner had the deputation left for home than there was an attempt to kidnap the children of the landowner Ibranevics (near Mostar) during the night.

A Charter which the Grandduke Vitold gave to the Jews has the provision, "It is forbidden to kidnap Jewish children". The historian Czacki

adds by way of explanation: "It was considered an act of piety to kidnap Jewish children for baptism".

In contrast to this, the following point of law is discussed (*Kethuboth* 11a). If pagan parents have adopted Judaism and have also had their minor children converted, and one of these upon reaching his majority declares that Judaism does not satisfy him and that he wants to leave it -- are the Jewish law courts authorized to force this neophyte to remain in the Jewish fold against his will? No, says the Talmud, no court of law has a right to prevent him from leaving Judaism. And the commentator Rashi adds that this was law even at the time when Jewish jurisdiction was fully supported by political power. See above, p. 26.

### III. Laws against Fraud.

That it is forbidden to overreach a Gentile by the law of the Torah the Talmudists derived from Lev. 25, 47 ff.

"And if a sojourner or stranger wax rich by thee, and thy brother that dwelleth by him wax poor and sell himself unto the stranger or sojourner by thee, or to the stock of the stranger's family: After that he is sold he may be redeemed again; one of his brethren may redeem him . . . . And he shall reckon with him that bought him from the year that he was sold to him unto the year of jubilee: and the price of his sale shall be according to the number of years, according to the time of an hired servant shall it be with him."

The Torah insists that the Israelite servant who sold himself to a stranger be redeemed, but it ordains that there be a "reckoning" made with the pagan master and that the entire purchase price be paid back. The Torah devotes several sentences to this precept, meaning thereby to emphasize that the pagan buyer must not be injured. This ordinance was in force in Palestine even at the time of Jewish independence. And the Talmud (*Baba Kamma* 113b) infers from this that we must not inflict pecuniary injuries on pagans.

Injuring in buying and selling, fraud in business transactions is likely to occur:

(1) in the quantity of the goods furnished (false measure and weight);

(2) by misrepresenting the quality of the goods.

What does the Talmud say on these points?

*Rabbi Levi said:* Punishment for false measure is severer than for lust. Why? Because here (*in the case of lust*, expiation is possible, there (*in the case of false weight*) expiation is impossible. (False measure and weight is looked upon as "robbery", and this cannot be atoned for, for the robbed thing must be returned to its owner, and in case the robber does not know the owner he cannot make any restitution. Nöldeke and Wünsche).

*Rabbi Jehuda says in the name of Rab:* It is forbidden to keep a measure in one's house that is either too small or too large, be it but a chamber pot. Rabbi Papa has said: This applies only to a place where the measures (on the part of the magistrate) are not gauged, but in a place where they are gauged it is no matter, for nobody will put up with such a measure if he does not see the measure gauged.

Our masters have taught us: It says (Lev. 19,35), Ye shall do no unrighteousness in judgment, in mete-yard, in weight or in measure. "In meteyard" that is in measuring land; "in weight", that is, weights are not be kept in salt (where the piece of weight is corroded and becomes lighter in consequence. Nöldeke and Wünsche); "in measure", that is, in decanting one is not to make froth (See *Baba Metsia* 61 b). *Baba Bathra* 88 b, 89 b and *Yebamoth* 21 a; N. and W. 54.

Maimonides considers false measure and weight as theft, and he treats this offence in the chapter on "Theft". He says:

It is one and the same whether he deals with an Israelite or an idolater; if he gives short measure or weight he trespasses against a prohibition and is bound to make restitution (of what he took); likewise it is forbidden to lead the Goy into making a mistake in settling accounts. Moreover he must be accurate with him, for it says (Lev. 25, 50) "And he shall reckon with him", even if he be subject to you, much more so a Goy who is no subject to you, for he is included (Deut. 25, 16) in the words "For all that do such things, and all that do unrighteously, are an abomination unto the Lord, thy God". Maimonides, *Mishne Torah*, *Hilchot Geneva* VII, 8; N. and W. 55.

The Shulchan Aruch takes the same position:

He who gives his neighbour or even a Goy who worships idols short measure or weight, trespasses against the prohibition (Lev. 19,35: Ye shall do no unrighteousness in judgment, in mete-yard, in weight, or in measure. *Shulchan Aruch*, *Choshen Mishpat* 231, 1; N. and W. 56.

All manner of misrepresentation is also forbidden, no matter who is affected thereby. On this point, Maimonides says:

It is forbidden to cheat anybody in buying or selling or to deceive anybody, be he Goy or Israelite. In this respect they are one and the same. If he knows that the thing sold has a flaw he must inform the seller of it; it is even forbidden to delude anybody by words. (For instance, to attribute to the goods a quality or an origin which they do not possess. Nöldeke and Wünsche.) Maimonides, *Mishne Torah, Mechirah XVIII, 1*; N. and W. 57.

And it is forbidden to deceive anybody, including a Goy; thus, for instance, one must not sell the flesh of an animal torn by wild beasts as the flesh of a slaughtered one and not a shoe (of leather) from an animal torn by wild beasts for a shoe (of leather) from a slaughtered one. Maimonides, *ibid. Deoth 11, 6*; N. and W. 58.

The Shulchan Aruch is no less explicit:

It is forbidden to cheat anybody in buying or selling or to deceive anybody.

If, for instance, there is a flaw in the goods, one must inform the seller of it; and even if it be a Cuthean, he (the Israelite) must not sell the flesh of an animal torn by wild beasts under the presumption that it is of a slaughtered one. It is also forbidden to delude anybody into the belief that one, does anything on his account without this being the case. For instance: One must not press anybody to dine with him if one knows that he is not going to do it. *Shulchan Aruch, Choshen Mishpat 228, 6*; N. and W. 59.

Nöldeke and Wünsche remark thereon:

Not only explicit deception by words is forbidden in such things, but the Israelite seller must not even sell the flesh of an animal torn by wild beasts as the flesh of a killed one, if it looks like flesh of a slaughtered one, and if it is to be assumed that it is the flesh of a slaughtered one.

A saying of an Amora (a teacher of the Talmud) runs thus: Robbing an Akum is forbidden, and short weight is like unto robbing, thus it says in *Baba Metsia* beginning of c. V. (Folio 61b). And in *Yalkut* on Tsav end of § 404 I have found a story which, according to Tanna de be Eliahu, says that somebody reported that he had unrighteously treated an Akum in measuring dates which he had sold him. Thereupon he had bought oil for the whole sum, but the jug broke, and the oil flowed out. Then I said (quoth the Rabbi), Blessed be God, who is no respecter of persons! The Scripture says (Lev. 19, 13). Thou shalt not oppress thy neighbour neither rob him. Robbing an Akum,



then, is (also a real) robbery. *Beër Hagolah* on *Choshen Mishpat* 231; N. and W. 60.

In agreement with this are these passages in *Chullin* 94a, *Baba Metsia* 50b on the authority of which Maimonides, *Mehirah* XVIII, 1 rules:

The seller is liable for defects and flaws of the object which the buyer did not recognize, of which he knew nothing when buying. The sale is void, even if the seller realizes the flaw after some time, after a year.

— If there is a permanent defect in the object he bought, the buyer may insist on the total cancellation of the bargain (*actio redhibitoria*), if the defect is easy to remedy he may demand a reduction of the price (*actio quanti minoris*). From this it follows that the fraudulent deception and overreaching by false measure and weight or by concealing of flaws, or by unduly praising the quality are forbidden also in dealing with a Goy.

Notwithstanding these plain ordinances, Justus writes (Law 29):

It is forbidden to the Jew to cheat his neighbour, and it is, indeed, considered a fraud if the damage amounts to the sixth part of the value; the cheater is bound to make good the damage. But this only holds good in the intercourse with a Jew: cheating a Christian is permitted, and therefore there is no question of restitution, for there is no overreaching an Akum (Christian), because Scripture says: Ye must not deceive your brother. The brother, of course, is the Jew, the Akum (Christian) is 'worse than a dog'.

In confirmation of which he quotes *Shulchan Aruch*, *Choshen Mishpat* § 227, 1 and 2, taken from the Talmud *Baba Metsia* p. 49.

This is partly invention, partly forgery. The theme is the Law on Onaah.

#### IV. The Law of Onaah.

When genuine goods in due quantity have been given, the price, notwithstanding proper measure and weight, may still be too high or too low; i. e. the buyer is overcharged or the seller squeezed. This is not cheating. If proper measure and weight have been given, if defects have not been concealed, if the goods have not been unduly praised (which in itself is forbidden by the religious law), overcharging, according to present day notions, is no fraud. The laws of the Talmud and the rabbis brand overreaching by too high or too low prices as "Onaah", as an injury.

*Rabba* says. The rule is: In case the overcharge amounts to less than a sixth part (of the value) the sale holds good; in case of the overcharge be more than a sixth part, the sale is void. In case of overcharging by a sixth part the buyer has acquired (the goods), but he (the overreaching party) must make restitution of the overcharge (of the unfair profit).

Noldeke and Wünsche add: This refers to both the buyer and the seller, for there may be overreaching on either side, as *Mishna Baba Metsia* 4.4 expressly states. The provision of the sixth part of the value as the limit of overreaching is met with in the *Mishna*.)

Both parties (may cancel the sale, if the one overcharged has shown the goods to a merchant or relative, who has told him that he was overcharged). *Baba Metsia* 50b; N. and W. 74.

Noldeke and Wünsche add: As to the conditions of restitution the discussion proceeds further, as for example:

If somebody transacts a sale on the understanding that he is not to be responsible for an overreaching, the overreached party has still the right to demand restitution. *Baba Metsia* 9a.

The *Shulchan Aruch* lays down these rules:

§ 1. It is forbidden to overreach anybody whether he be buyer or seller, whoever overreaches, whether buyer or seller, violates a prohibition.

§ 2. How much must the overreaching amount be so as to become liable to restitution? A sixth part of the value. If, for instance, one has sold a commodity worth six florins for five or one worth seven for six or one worth five for six or one worth six for seven this is overreaching in the first two cases, of course, on the part of the buyer, in the two others on the part of the seller. Noldeke and Wünsche.

The transaction is indeed valid, but the overreaching party is obliged to make restitution of the overreaching (the unfair profit) and to give back everything to the overreached one.

§ 3. If the overreaching was less than the sixth part, if, for instance, one sold a commodity worth seventy for sixty and a peruta (something less), he is not liable to restitution, for what is less than a sixth part is generally overlooked. *Shulchan Aruch, Choshen Mishpat* 227. 1—3; N. and W. 75.

Jewish law, then, takes equity much more into account than the Roman which, only in cases of the injury amounting to half the value, allows the injured to cancel the transaction and to get damages. It is evident that such provisions presuppose mutuality and can be carried out only if both parties, the buyer and the seller, are subject to and protected by the same law.

If the buyer on the score of the price having been exorbitant may cancel the transaction, the seller also, if he is the injured party, must have means to be righted. But if one of the contracting parties is not subject to the Rabbinical law and cannot be compelled to conform to its provisions, he cannot be allowed to profit by its benefits, because reciprocity is lacking.

This is a matter of commonsense. The Talmudists, however, as is their way, supported it by the Bible. In the ordinance "And thou shalt love thy neighbour as thyself", the original word for "neighbour" is "rea"; but in the ordinance "And if thou sell ought unto thy neighbour or buyest ought of thy neighbour's hand, ye shall not oppress one another" (Lev. 25, 14) the original word for neighbour, viz. "amith" is interpreted to mean "is with you", i. e. is subject to the same law.

The reader is left to judge Justus' *Law* 26 in the light of these facts.

And it is permitted to take interest (of the Goy), for it is written (Deut. 23, 21), Unto a stranger thou mayest lend upon usury"; also overreaching, for it is written (Lev. 25, 14), And if thou sell ought unto thy neighbour or buyest ought of thy neighbour's hand, ye shall not oppress one another, and thus we find above (fol. 55a) the interpretation (of "neighbour" to mean) "who is, with thee, bound by the Torah". *Baba Metsia* 61a; N. and W. 73.

Nöldeke and Wünsche add:

The technical meaning of "overreaching" (see Nrs. 74 and 75) is limited. for it covers only the cases of selling too dear or buying too cheap.

If the law of "Onaah" is not to lead to grave complications, it can only be applied where both parties are subject to the same law.

Notwithstanding this, Maimonides (Mishna Commentary on *Kelim* 12, 7) denounces every sort of fraud and explicitly overcharging ("Onaah") also in dealing with Gentiles.

In those places where gold and silver coins are counted, not weighed, it is forbidden to keep a gold or silver coin wanting a sixth part or more of its (full) weight; it must be cut up in pieces; still less (is it permitted) to pay it to or cheat a Goy with it. As to the opinion of the many (Jews), even among the prominent ones, that it is permitted in dealing with Goyim, this is void and a false view. God the

Most High says in his constant (unchanging) revelation of him who sells himself to an idol worshipper or to an idol as is evident from the interpretation of the passage, "and he (the Israelite who has sold himself to a stranger) reckon with his buyer". (Lev. 25, 50.) Now the learned ones (blessed be they) have said, One might think that he is allowed to settle with him in the lump; that is why it says, "he shall *reckon*", that is, let him settle accounts accurately and precisely (*Baba Kamma* 13 b). "He may settle in the lump" might mean that he is allowed to befog and cheat him. That is why they said, "If the Torah speaks like this about a Goy who is thy dependent, how much more does it apply to a Goy who is not thy dependent; again, if divine law is so strict about settling with a Goy, how much more with an Israelite." Similarly fraud, craft, all sorts of tricks, delusion and deceit towards the Goyim are forbidden. They [the learned ones] have said, "It is forbidden to misrepresent anything to anybody including the Goy" (*Chullin* 94 a), how much more in a case which might be followed by the desecration of the Divine Name so as to make the sin greater, and man might acquire evil aptitudes in all these vilenesses which the Most High abhors, together with those who practise them, as he says, For all that do so are an abomination unto the Lord thy God (Deut. 22, 5), that is, everybody who commits such offences. Maimonides, Mishna Commentary on *Kelim* 12, 7; N. and W. 76.<sup>1</sup>

## V. Other Injunctions against Deception in Business.

*Baba Metsia* 60b: An implement must not be polished up and burnished, particularly must not an old one be made fraudulently to look like new.

Similarly, the sale of adulterated wine and adulterated corn is simply forbidden. Different sorts were not to be mixed together (*Mishna Baba Metsia* 4, 11). It was permitted to mix dry wine with mild because it is an improvement, but if the wine had been mixed with water the buyer had to be informed of this (*ibid.*). When goods were exhibited for sale the inferior specimens were not permitted to be removed from the upper layer so as make the goods look better than they actually were (*ibid.* 4, 12).

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(1) In *Shulchan Aruch* it is explicitly stated that the Law of Onaah is applicable only in dealing with actual idol worshippers. This disposes of Dinter I. c. p. 27.

## VI. Injunction against Running up Prices.

One of the functions of municipal administration, according to the *Shulchan Aruch*, is to provide cheap foodstuffs. Consequently the corporation of a town has the right to fix market prices and to make every violation of the market regulations punishable (*Choshen Mishpat* 231, 27). Above all it is a duty to oppose artificial raising of prices: "Whoever runs up prices without warrant is liable to be punished by stripes or other means" (*ibid.* 231, 21).

## VII. Injunction against Unfair Competition.

*Baba Metsia* 60 forbids attracting customers by means not derived from the nature of the business itself. Thus a merchant must not present children with nuts and similar delicacies in order to attract their custom. It is worth noting that there is a controversy recorded in the Mishna concerning "sale prices". Some, siding with the producers and dealers, denounce the practice of attracting customers by "price-cutting", others praise those who, by reducing prices, make it possible for the many to supply their wants.

Compare the foregoing rules of fair dealing with the following.

## VIII. Ordinances of Church Moralists.

The sellers may, however, clandestinely reduce the weight, number, and measure of their goods to the extent that is required in order to make up the fair price, in cases when the price has been unjustly fixed by the authorities or their agents or when the buyers have agreed, in an unfair manner, not to buy the goods except at a fixed market price which is not quite justified; and this is as it should be, because nobody is wronged if there is a fair relation between goods and prices, so that the merchants have a means for indemnifying themselves without damaging others. The seller of a prime wine may mix it with a less generous sort, so as to approximate the usual market commodity at the current price. Ferraris, *Prompta Bibliotheca*. Tom. II. *Contractus Emptionis et Venditionis*. Art. III, 23 and 25, p. 1427.

It is no grievous sin to rob him who would give it if asked, although it is done clandestinely against his will, and restitution is not required. Emmanuel Sa, theol. Dr., Professor in the College of Rome, 1530—1596. *Aphorismi Confessoriorum* p. 263 a. Cologne 1621.



If one cannot dispose of his wine at a fair price on account either of the injustice of the magistrate or of the malice of the buyers who have conspired not to buy in order to lower the prices or for some other adequate reason, he may reduce the measure or pour in a little water and still pass it off as full measure or unadulterated wine so as to secure the right price, provided only he does not lie, and if he does lie it is not dangerous and no mortal sin, and restitution is not required. Cardinal Franciscus Toletus, 1532—1540, *De Instructione Sacerdotum*, p. 1027. Romae 1701. See also Franciscus Xaverius Fegeli, *Quaestiones Practicae* pars 3, p. 223. Augustae et Herbipoli 1750).

Servants are sometimes excupiated for stealing things from their masters in order to indemnify themselves for extra services required of them, or for receiving extremely low wages when they are not in a position to better themselves. But the master must be in actual need of the services of the attendant. Cardinal John de Lugo, 1583—1660, *De Justitia et Jure*. Lugduni 1652, p. 468.

Similarly, he does not steal who takes for his just indemnification if he has no other way of coming by what is his due, for instance, if a servant cannot get his hire or if he has been hired unfairly at an unfair wage. Professor Hermann Busenbaum, 1600—1668, *Medulla Theologiae Moralis*. 1653. New Edition. Rome 1844, p. 160.

The same views are expressed by Claudius La-Croix, *Theologia Moralis*, Cologne 1757. Page 318 and by Professor Paulus Laymann (1576—1625), *Theologia Moralis*. Munich 1625. Page 130.

Suppose you stole ten goldpieces three days ago, sinfully indeed, but being to-day greatly embarrassed by serious illness, without any hope of obtaining money, you use those ten goldpieces to restore your health — are you obliged to make restitution, when you are restored to better circumstances? The more common view lays this obligation upon you. The other view which absolves you from restitution is not untenable. Thomas Tamburini, 1591—1675, *Opera*. Venetiae 1692, p. 222.

On the point of restitution this is the truest rule: Restitution is never incumbent on a man, if this implies an injury to him greater than the gain accruing from it to the person to whom restitution is due. Surely, nobody is obliged to make amends for goods and chattels of inferior value to the loss of his reputation. Antony de Escobar, 1589—1669, *Liber Theologiae Moralis*. Vol. 4. Lugduni 1652, p. 246. Printed with the approbation of the Church Authorities.

## IX. Lost Property and Abandonment ("Yeüsh").

The principle of reciprocity lies at the root of a certain discriminatory law in the Mishna which rules that in case an ox belonging to an Israelite gores the ox of an idol-worshipper the owner of the ox is not required to pay damages to the idolater.

*Baba Kamma* 38a tells the following story. Once upon a time the hostile (Roman) Government sent two functionaries to the Israelite sages (authors of the Mishna and Gemara) with the commission to examine the doctrines of Israel. The functionaries discharged their commission and on leaving said to the sages: "We have found your whole Torah to be just with the exception of one law which rules that in case of an Israelite's ox goring that of a heathen there need be no restitution, but that in case of a heathen's ox goring that of a Israelite the heathen is held to pay damages. We find this unfair, but shall not report it to our Government."

In trying to account for this discriminatory law, the authors of the Talmud assumed that the Mishna could have had in mind those heathens only who did not observe the Noachian laws nor knew any order of law at all. The Palestinian Talmud says that this law was passed in accordance with the laws of the nations (in the original: *kedinehem*).

Later centuries looked upon this passage of the Talmud as a proof that Talmudic law was to be communicated to pagans who wanted to know it truthfully and without any alterations just as the ancients had done, although there was the danger of their being persecuted on account of this hard provision against the pagans.

The principle of reciprocity also underlies the statutes concerning the restitution of lost property to its owner. Reciprocity in this case is a legal, not a vindictive moment.

According to the Roman law, legal possession becomes void even if the physical relation of the owner to the object is still valid, directly the owner has given it up; *per contra*, the corporal but not the legal possession becomes void if the object is in a stranger's power and the owner still claims it.

Possession becomes both physically and legally void if the physical relation has ceased, and then only with the consent of the former owner.

According to the Israelite law, the absolute possession of an object ceases if the owner declares it to be abandoned. The effect of this declaration is that whoever acquires the object becomes its possessor. The former owner, therefore, may also acquire it again as long as no other person has taken possession of it (*Nedarim* 44a, *Ghoshen Mishpat* 273, 3). The will to abandon a thing may also be expressed by action, for instance when one puts a cow in a shed without a door to it, or without tying it to a post, or when one knowingly drops a purse in an open road and passes on (*Baba Metsia* 25b; *Ghoshen Mishpat* 261, 4).

According to the Roman law, the former owner is assumed to have abandoned every claim to a movable object

- (a) when he has lost it and when its whereabouts are inaccessible or unknown to him; when he leaves it lying unguarded, unwatched; when the thing, by becoming sacral, is no longer capable of legal ownership;
- (b) when domestic animals go astray and can not be found. In these and similar cases the abandonment is inferred
  - (a) from the physical impossibility of possession, because the **hope of recovery has been given up**;
  - (b) from the legal impossibility of possession, if possession is prohibited;
  - (c) from commissions or omissions of the former owner which give notice that he no longer lays any claim to the lost object.

In the Talmudic law, abandonment is assumed if the owner has given up the hope of recovery, but only in case the second owner has not acquired it unlawfully.

The Mosaic law ordains that lost property and a stray animal must be restored to the owner, even if he is an enemy (Ex. 23, 4; Deut. 22, 3). Talmudic law rules that the finder is required to have his find proclaimed in the place where he found it (*Baba Metsia* 2a).

On the strength of these statutes, the finder of an object was never justified in assuming that the loser had abandoned his property because the law demanded restitution. Retention was theft because ownership had not ceased. But if the object was found under circumstances which precluded the owner's recovering it, as for instance when it was rescued from a rapacious beast or from the sea at the tide, or from an unsluiced stream it was assumed that the owner has given up all hope of recovery (*Baba Metsia* 24a; *Choshen Mishpat* 259, 7).

If a find is rescued from the sea at tide or from an unsluiced river, although it have marks by which to be identified, restitution is not incumbent on the finder because the former owner has long abandoned his ownership. Maimonides, *Mishne Torah, Gezeleh* 11, 10.

When the Jews became exiles in foreign lands each of which had its own particular pagan laws according to which a find belonged to the finder unconditionally, the Jewish law about finds had to be revised. We have seen that reciprocity was at the root of this law, not as a moral but as a legal factor, namely, the presumption that the finder will return the find in consequence of which the loser does not give up his claim. In pagan countries this presumption was wanting: on the contrary, the majority of the inhabitants did not return finds to their owners. This affected not only the conduct of Jews towards Pagans, but also of Jews towards Jews. As every loser, whether Jew or Gentile, gave up the hope of recovery and of ownership the object found became the legal property of the finder, no matter whether the loser was a Jew or Gentile.

If he found an object in a town mostly inhabited by Goyim but in a place which is frequented by Jews it is incumbent upon him to have it cried; but if he found it in the street or in a place in which crowds foregather, and which is frequented by Goyim, the find is his even in case a Jew turns up and identifies it, for the owner is presumed to have given it up as lost in the belief that a Gentile had found it. Maimonides, *Mishne Torah, Gezeleh* XI, 7; N. and W. 79.

Rabbi Yehuda was once walking behind Mar Samuel in the market. Presently he said: "If anybody should find a bag (of money) here how would that be?" He (*Samuel*) replied: "It would be his". To which the other: "But if an Israelite came and identified it (thus proving he was

the owner, how would that be?" He: "He would have to return it (the find)." — "These are two *different cases*." — "This is supererogation. As the father of Samuel did who found some asses in the desert and restored them to the owner after twelve months in supererogation."

Rabba was walking behind Rabbi Nachman in the market of the harness-makers. — — —

Presently he (*Rabba*) said to him: "If anybody found a bag (*of money*) here, how would it be?" The other (Rabbi Nachman) replied: "It would be his." To which Rabba: "But if an Israelite came and identified it, how would it be then?" — The other (*Nachman*): "It would still be his." Rabba: "But here is the loser clamouring for his property!" Answer: "He might as well clamour for his house that has tumbled down or for his ship that has gone to the bottom of the sea (i. e. for an irrecoverable property). *Baba Metsia* 24 b; N. and W. 77.

Asheri on this passage (N. and W. 78): That market was known to the Gemara as being mostly frequented by Nochrin (non-Jews).

But if the town is mostly inhabited by Goyim, or if most of the inhabitants are indeed Israelites but the place where the object was found is mostly frequented by Goyim, it need not be returned even if it is known to have been lost and then identified by an Israelite, for the owners are sure to have given it up as lost long ago. *Shulchan Aruch, Choshen Mishpat* 92, 3; N. and W. 80.

From this it is evident

- (a) that the pagans referred to in the Talmudic Literature did not know or acknowledge the legal obligation of **returning lost property**;
- (b) that, in consequence of this pagan view, the conduct of Jews necessarily underwent a change with regard to not only pagans but also their coreligionists.

Consider in this light Justus, *Law* 32:

It is incumbent on the Jew who has found something, whether a live or a lifeless thing, to restore it to the owner if he is a Jew. But if the object found belongs to an Akum (Christian), then there is no obligation to restore it, rather is it a grievous sin to return something to an Akum (Christian) except in a case in which Christians may say, the Jews are honest people. In that case it is even meritorious.

No need to say that this is a gross fabrication. Where the custom of the country does not require lost property to be restored, the find may be kept, but it is meritorious to return it for the sake of sanctifying the Divine Name.



As for the present, the conduct of Jews is determined for good and all by the law ordaining the returning of lost property. To-day a lost object is no more "abandoned" than it was in the days of Jewish independence in Palestine: "retention" of a find is nothing less than theft, both towards Jews and Gentiles.

In my humble opinion, the Akum mentioned in the treatise *Sanhedrin* are the idol-worshippers of old, not the Akum of our days who acknowledge the creator of the world and whose laws insist on lost property being returned. *Beër Hagola* on *Shulchan Aruch*, *Choshen Mishpat* 266, 2; N. and W. 81.<sup>1</sup>

He who rescues an object from the jaws of a lion or from the bottom of the sea or from the flood of a river to him it belongs even if the owner is present and clamours for it.

As to this, Isserles remarks: "But in any case it is creditable and right to return it as has been said in § 5. And even if one is in law not obliged to restore lost property, restoration is a duty if the sovereign or the High Court (*the Government*) have ordained it; in accordance with the teaching, The law of the country is the binding law<sup>1</sup> and" only what the High Court has declared as "derelict" is really derelict (*Jerushalmi Pea* 5, 1). Therefore, the ancients of blessed memory have ruled: If the king has ordained that everything bought out of the salvage of a stranded ship be restored to its owners he (the Israelite) must restore it and has only the right to claim of the owner the price that he has paid for it himself. Isserles on *Choshen Mishpat* 259, 7; N. and W. 82.

(1) This is the view taken by the rabbis of to-day whenever a case is put to them for decision. *Narodni Holos*, the organ of the Bucovina Ruthenian peasant party, in January 1919, had the following report.

On a certain market day, a peasant sold a bundle of hemp to a Jew. When, some time after, the wife of the peasant remembered that she had stowed away 50 gold florins, all her savings, in that very bundle of hemp, the husband claimed the return of the money from the Jew, but the Jew pretended not to know anything about the gold. The peasant then suggested that they should bring their quarrel before the Rabbi. The Rabbi, after hearing both parties had a scroll of the Torah brought and called upon the Jew to take an oath on it, threatening him with excommunication if he perjured himself. The Jew produced the money and returned it to the peasant.

(1) This famous, often quoted and often applied fundamental axiom of Samuel, which is especially applicable to questions of property, was laid down, some 1600 years ago, rendering obsolete a good many old statutes, which, however, are still transmitted and discussed. Nöldeke and Wünsche.

And the Israelite is not obliged to restore lost property to the Goy just as the Goy does not restore lost property to the Jew. But that applies only to the nations who knew neither of God nor of his Torah. For they have neither relationship nor brotherhood with us. It is otherwise with the nations *among whom we live* who believe in the statutes of the Torah of Moses of blessed memory. It is known that we do not count them among the Nochrin (to whom lost property need not be restored; also they have relationship and brotherhood with us, as many opine; for is it not written Malachi 1, 2: Is not Esau a brother of Israel? Jacob Emden, *Shevet Legev Kesilim* fol. 34 a; N. and W. 83).

In what manner the Talmud regarded this civil question on the moral side, apart from its legal aspect, is shown by the tradition in *Jerushalmi Baba Metsia* 2, 5 (N. and W. 84).

Simeon ben Shetach was employed with flax for a living. Once his disciples said to him, "Master, permit us to buy you an ass to relieve you of your burden". They went then and bought him from a Saracen an ass, on which they found a pearl. They came to him and said, "From now on you need not toil any more". He asked, "Why?" They answered, "We bought you an ass from a Saracen and on it was a pearl". Said he, "Does the Saracen know of the pearl?" They replied, "No". Said he, "Well, then, go and return it to him." Has not Rabbi Huna Bibi, son of Gosolin, said in the name of Rabbi Hathibun before Rabba, "Granted he was right who said that things stolen from a Pagan are forbidden? Everybody admits that his lost property is permitted. Think you Simeon ben Shetach was a barbarian? *That he stood punctiliously on his right?* Oh no, Simeon ben Shetach preferred to hear the Saracen say "Blessed be the God of the Jews" to all the rewards of this world. — And again, Rabbi Chanina told the following story. Our ancient masters once bought a *cor* (bushel) of wheat from soldiers and found a bag of denarii (gold-pieces) therein. When they returned it the soldiers said, "Blessed be the God of the Jews!"

To Aba Oshaya of Turaya, who returned some lost property to a man, the latter said "What is this to me? What is this worth to me? I have more and better than this". But Aba Oshaya said, "The Torah commands us to return lost property". Said the man, "Blessed be the God of the Jews!"

When Rabbi Samuel of Shartei was in Rome the empress lost her jewellery. She had it cried in the city, "He who returns it within 30 days will get so and so much (*reward*), but if somebody brings it after 30 days he will be beheaded." Rabbi Samuel returned it not within the 30 days but after the term was over. She asked, "Were you not in town (when it was proclaimed)? Said he, "I was". She: "Did you not hear the voice of the crier?" He: "I did." She: "What did he say?"

He: "He who returns it within 30 days will get so and so much, but he who brings it after that time will be beheaded." She: "Then why did you not return it within the 30 days?" He: "Lest you might say I had done it out of fear of you, for I have done it out of fear of the All-Merciful." Said she, "Blessed be the God of the Jews!"

### X. Error ("Taüth").

"Error" came under the head of lost property. A thing the possession of which is unknown to me is not legally my property. Here, too, the principle of reciprocity obtained and was to be applied only to idol-worshippers who did not observe the Noachian commandments. It is a peculiar trait of Jewish literature that it represents its heroes with their foibles and trespasses in all their ugliness. The Bible tells the story of David's adultery, as well as the sexual misdeeds of Judah, the forerunner of the Davidic dynasty.

Surely, the Bible does not expect the readers to emulate these acts of those heroes.

The Talmud also reports the doings of men of that time truthfully with no other motive but that of faithful representation. Such of these actions as are against the law are not recommended for imitation. The following are cases in point:

Samuel bought of a pagan a metal flask covered with rust which, however, happened to be gold, for four drachmas and let him swallow a drachma, i. e. he gave him five instead of four.

Rabbi Kahana bought of an idol-worshipper 120 barrels (not barrels of wine) instead of 100 and let him swallow a drachma saying, now, look out, I am relying on your statements (*Baba Kamma* 13b. Rohling, *The Talmudic Jew* 63, 64).

In both cases the buyers used the trick of sounding the sellers. They gave a drachma over and above the price agreed upon as if by mistake, waiting to see whether the seller would draw their attention to the mistake.

In case the seller did not hesitate to take advantage of the error of the buyer in his favour, the buyer, did not think it incumbent upon him to call the attention of the seller to his own error.

As for the present-day Jew, his conduct is determined by Samuel's ruling that the law of the realm is always binding on the Jews. This binding force of the law of the realm is a religious principle of equal validity with all other Talmudic ordinances.

How strictly the religious law of the Jews insists on the observance of the law of the realm by Jews, will be seen from the following passages.

When Israel went forth into exile it swore to God never to rebel against the nations and their laws. . . . Rabbi Eleazar says, God said to Israel, If you remain faithful to this oath, it is well, otherwise I shall deliver your flesh to the nations as the flesh of the beasts of the desert. *Ketuboth* 111a.

He who cheats the State of the customs imposed by it sins as if he shed blood. *Semachoth* 2, 9.

Cheating the State of the taxes and customs imposed by it is nothing less than robbery. Maimonides, *Mishne Torah*, *Gezeleh* 5, 11.

Contrast with this the dictum of the Christian Moral Theologian Professor Amadeus Guimenius (Moya), *Opusculum* (Lyon 1664) page 27 teaches —

Do not omit to read the *Summa aurea* of the very learned Father Sa-who, under the article *Gabella* says, "Learned men assert that dodging taxes is no grievous sin". I should not like to agree with this entirely, but should not hold the culprit obliged to make amends. In such a doubt it is the opinion of prominent scholars that the man in possession has the advantage. For some say that there is hardly one just tax, others that almost all of them are doubtful.

The watchmen set to guard fruits have, according to the Jewish law, no right to eat of these fruits. But the Neo-Persian realm ordained the reverse. Consequently the Talmud says:

The guards of fruits are permitted to eat of them by virtue of the law of the realm. *Baba Metsia* 93a.

Justus (*Law* 39) lies in writing —

The laws of the State obtain for the Jews only

- (1) where taxes and rates are concerned;
- (2) when Jews are likely to derive profit from them;
- (3) when they do not clash with a statute of the *Shulchan Aruch*.

He simply distorts the words "for the welfare of the inhabitants of the country" of the Hebrew original into "profit for

the Jews". The axiom of *Dina de-Malchuth Dina*, "the law of the realm is law" is binding even in cases of exceptional laws for the Jews, or of special Jewish taxes (*Choshen Mishpat* § 10), except only where, in certain places of the East, the Government explicitly permits the Jews to settle their legal disputes according to the Talmudic-Kahlanaal law. Only religious ordinances which interfere or clash with the Jewish religion need not be regarded.

Here is another citation of Kohlung's *The Talmudic Jew* 13:

The Talmud says: A Goy thou mayst cheat, and thou mayst take usury from him, but if thou buyest from or sellest to thy neighbour (i. e., a Jew) thou must not cheat thy brother.

He quotes as his authority *Megilla* 13, 2 and *Moed Men* 60 a 1. The latter passage was given above in the translation of N. S. deke and Wunsche Nr. 73. The second passage runs as follows.

It is written (Gen. 26, 12). And Jacob told Rachel that he was her father's brother. But was he her father's brother? Well, he was her father's sister's son. What he did ask her was, "Shall I marry thee?" She answered, "Yes, but our father is a cheat, and thou art not equal to him." Then he said to her, "I am his brother in cheating." Then she: "Is it permitted to the righteous to cheat?" He answered, "Yes. With the pure thou shewest thyself pure; and with the froward thou wilt shew thyself froward" (Ps. 18, 27).

The essential point of this gloss is to excuse Jacob's conduct. There is no question here of conduct between Jews and non-Jews, for Jacob's mother and Rachel's father were brother and sister, and everything occurred among closest relations. The Talmud tries to justify Jacob's conduct. That is intelligible, and the Christian Fathers also tried their hands at the same problem, for the Patriarch Jacob is to the Christians also a venerable personage. St. Chrysostom (*Opera omnia*, tom. 1, de sacerdotio I. 6) does not hesitate to commend well-intentioned deceit. If we considered the means only and not also the purpose, we should be obliged to accuse Abraham of child-murder and Jacob of fraud on account of the way in which he came by his birth right, and Moses, also, who by divine order possessed



himself of the riches of the Egyptians, would have to be condemned.<sup>1</sup>

St. Chrysostom goes on to say:

But that is not so, no, not so. Far be such boldness from me! For we say not only that they (Abraham, Jacob and Moses) are guiltless, but we admire them on account of that, as God himself commended them therefor, for he (only) may be rightly called a cheat who makes an unrighteous use of a thing, but not he who does it with a good intention. Often it is necessary to cheat in order to do the greatest good.

At the same time, the Talmud is untiring in most impressively exhorting to honesty in business life.

When some day thou wilt stand before God's tribunal the first question to be addressed to thee will be, Wast thou honest in business? *Sabbath* 31 a.

Let Yea be Yea, thy No be No. Abaya said: Never be that which thou thinkest the opposite of that which thou speakest. Rabbi Simeon says: If the business transaction has not been carried through and thou cancelst it, know that He who punished the generation of the Flood He will punish him who is not true to his word. Even straying from one's spoken word argues want of conscience. *Baba Metsia* 49 a.

Rabbi Chisdai says: When all the gates of heaven are closed, that gate through which the reports about fraud come before God is always open. Rabbi Eleazar says: God punishes every sin by an agent, but fraud he punishes himself. Rabbi Abahu says: Before three the curtain is never drawn i. e. three things are always seen by God), fraud, robbery, and idolatry. *Baba Metsia* 59,9; *Yalkut* II, Nr. 546.

(1) The conduct of the Patriarch Jacob is not commended, but explained by the character of Laban. Jacob dealt with him as he did, not because the latter was a heretic or an infidel, but only because he was a cheat. In contrast to this, Pope Innocent III. recommended cunning and deception as meritorious apostolic wisdom against heretics. He refers to 2. Cor. 12, 16 where it says, Being crafty, I caught you with guile (Stephani Baluzii epist. Innocentii III., p. 259). The application of such maxims of craft crops up also on other occasions, e. g. Bal. XII, ep. 67,337; ep. 36,394. The conduct of Jesus towards his disciples of Emmaus is made use of to justify guile (Hahn, *History of the Heretics* I, 205).

In telling the story of how the papal legate, by guileful cunning, brought the heretical Count Richard of Toulouse to his ruin, Peter of Vallum Sarnaii (Vaux Carnay) exclaims: *O legati fraus pia! O pietas fraudulenta!* He calls this deception *dispositio divina* (E. A. Schmidt, *History of France* I, 470; Hahn, I. c. I, 281).

He who borrows an object for use without the owner knowing it is accounted a robber. *Baba Metsia* 41 a.

He who does not keep a promise given is regarded as if he had committed idolatry. *Sanhedrin* 92 a.

In commenting on Ps. 15, 1 -- "Who shall abide in thy tabernacle? Who shall dwell in thy holy hill? He that walketh uprightly, and worketh righteousness and speaketh the truth in his heart", the Talmud says, What is meant by "speaking the truth in one's own heart"? (Answer) As Rabbi Safra did.

Rashi explains: In *She'iltot* we read: Safra had an object for sale and somebody made him an offer while he was at prayer. Although the price suited him he gave no answer because he did not want to interrupt himself. When his devotions were over the man came again and made him a higher offer, but he accepted the first offer because he had mentally agreed to the first.

He (one who came to Rabba and sought enlightenment from him on several points) said to me: Master, one day I sold four cor (bushels) of dates to a Goy and measured them for him in a dark place half a measure each. He said, Only thou and God in Heaven know what measure thou art giving me. He came short of three *seah* of dates. I took the money, bought a jug of oil for it and put it where I had sold the dates. The jug burst and the oil was spilled. Thereat, I (Rabba) said: Blessed be God who knows no respect of persons (i. e. who does not wink at dishonesty although practised on a Goy). Holy Writ says (Lev. 19, 13), Thou shalt not oppress thy neighbour nor rob him. Robbing a Goy is also actual robbery. *Yalkut* I, 504.

Prohibition 2 is not to desecrate the name of God. I have been preaching to the Israelites in exile that they who lie to and cheat Akum are of those who desecrate the name of God, for they cause the Akum to say, The Israelites have no Torah (no religion), and yet it is written (Zephaniah 3, 13), The remnant of Israel shall not do iniquity, nor speak lies; neither shall a deceitful tongue be found in their mouth.

And in *Aboth* (4, 4) we read: 'Whoever desecrates the name of God in secret will be punished in public whether he does it in error (from carelessness) or deliberately.' There is no respite (of punishment) given for the desecration of the Divine Name.' And in the treatise *Kiddushin* 40 a it says, If (man's) offences counterbalance his merits but it be that the desecration of the Divine Name is among the offences these overbalance the merits. Mose de Coucy, *Sefer Mitzwoth Gadol*, Prohibition 2; N. and W. 64.

If an Israelite and a Nochri are together and the Nochri says to the Israelite, 'I will depart for such and such a place; there are Jews there but I am afraid they will oppress me. Tell me who is honest and who dishonest', the Israelite is to say to him, "Do not enter into business with such and such". *Sefer Chassidim* Nr. 1086; N. and W. 65.

If a non-Jew observes the seven Noachian commandments, thou must beware of taking advantage of his error, for an object erroneously given or lost by him must be restored. Thou must not disesteem him, but must the rather honour him above a Jew who does not busy himself with the Torah. *ibid.* Nr. 358.

Whoever has intercourse with us must be accounted a brother; overreaching a non-Jew is therefore, forbidden. *Tane debe Eliahu*, chap. 15.

If thou sellest or buyest, overreach nobody! Do not desecrate thy word, and the utterance of thy lips do not alter. But he who does think more lightly of defrauding a non-Jew he is a teller of lies, he is accounted one of the wrong-doers who are an abomination to the Lord. For this is the peculiarity of truth — it endures and gives permanence, just as it is the peculiarity of the lie to perish and to destroy. The Lord is a God of truth; he loves its friends and curses its enemies. Rabbi Salomo Al' Ami in a *Missive to a Disciple in Portugal* 1415.

The exhortation in the Bible (Deut. 19, 20) to follow that which is altogether just must be practised both towards Jews and non-Jews. Rabbi Bechai ben Asher — 14th century —, *Kod Hakkemach* 17 a.

And perhaps thou sayest, I behave honestly towards the Israelite because he behaves in a brotherly way towards me, but it is otherwise with the Goy. But the Sages — blessed be their memory — have said, It is forbidden to rob a Goy. And if the Goy relies on thy words and on thy dealings with him thou must deal honestly and fairly by him that the name of God may be sanctified through thee. We read in *Tane debe Eliahu*, Through four things the world is brought to prosperity, through justice, right, truth, and peace. One day a man came and said, Rabbi, I sold a Goy four cor of dates, etc. (See above p. 116). Presently I said to him, My son, Holy Writ (Lev. 19, 13) says, Thou shalt not oppress thy fellow-man, for he is like thy brother and thy brother is like thy fellow-man. From this thou hast learned that robbing a Goy is robbery and obviously it is the same with robbing a brother. He, therefore, used to say, Man, be ever Godfearing, also in secret; let him confess the truth and speak the truth in his heart. Jechiel ben Jekutiel, *Ma'alothe Hammidoth*. Cremona 1556. Fol. 38 a.

Love the stranger as you love your neighbour, show good will to him, speak well of him, do not search for his faults, but instruct him privately

if he does wrong in your presence. A Sage says, He who sows hate will reap repentance. If you would take revenge on your enemies let it consist in your becoming better. Aristotle taught Alexander: Most of all I recommend thee not to hate any man, for next to the knowledge of God there is no higher truth than this, to love all men, good and bad.

Be humble and modest! He who makes light of himself will be honoured by men. Humility requires you to suffer wrong without retaliating, to tame anger, and to live in peace with your neighbours. This conduct you must practise also towards non-Jews *ibid.* 28.

For a long time it has been the ordinance and the custom for the heads of communities to watch that there be no fraud and no wrong done to the Goyim, and it is cried and published and told to the Goyim which people borrow on credit and take loans with the intention of not paying back. All this is done by order of the heads. Rabbi Moses Ribkes, *Beër Ha-Golah* on *Choshen Mishpat* 388, 12.

## XI. The Property of the Akum is No Man's Property.

Rohling in *My Answer to the Rabbis* says:

In accordance with this the money of the Akum is 'derelict' so as to give the Jew every right of taking it into his possession.

He quotes as his authorities *Baba Bathra* 54; *Choshen Mishpat* 156, 5.

Justus (*Laws* 22 and 24):

The property of Christians is derelict to the Jew.

Wahrmund (*Laws of Nomadism* 54):

The Talmud teaches that God declares the property of pagans to be derelict and that he has given the first Jewish seizer a right to it, nay, it is said explicitly that the possessions of the Goyim may be dealt with as with a desert or the sand of the sea; the first Jew who takes possession is to be the owner. Therefore, according to Talmudic-Rabbinical views the procession of the Jews across the globe is nothing less than a campaign for the conquest of it.

Wahrmund copied this from Rohling, his trusted authority.

After the numerous ordinances against overreaching the idolater, after all the exhortations to honesty in business life towards idolaters quoted literally above, it is evident that these allegations of Rohling and Justus could be nothing else than deliberate fabrications. We shall explain the quoted authorities as plainly as possible.

The chapter in the *Choshen Mishpat* is headed, "On him who intrudes on the trade or profession of his fellow-Jew and exports goods to another town" N. and W. 85; 86. It contains ordinances about the conduct of Jews towards each other, ordinances calculated to put obstacles in the way of ruinous competition. Various opinions are recorded about the privileges of native Jews in contrast to new-comers from abroad who pay no "royal taxes" and undertake to compete with the tax-payers. Some take the view that every sort of business enterprise ought to be protected from such unwarranted competition, others that such a restriction on the freedom of consumers in choosing where to buy and the inevitable strain of higher prices resulting therefrom is warranted only where the consumers are associated with the community in such a manner that this may control them also in other ways, i. e. only the consumption of members of the community can become the subject of a privilege or monopoly. Only in such a case may the community oppose a stranger's competition as an encroachment on acquired rights. The members of a community who live under its protection, whose property is subject to its control, must, notwithstanding incidental pecuniary disadvantages, submit to its restrictions with regard to their sources of supply.

It is different with a non-Jew. Whether he be consumer or producer, as the Jewish community has no power to control him directly it may not control him indirectly either, i. e. his business transaction cannot be considered as the privilege of a member of the community, as the monopoly of an individual; it must rather be permitted to everybody to deal with him. In other words — a Jew may not claim priority of a fellow-Jew in deriving advantages from an Akum. Ownership is acquired only by occupation; the "primus occupans" is, therefore, in the right.

Question. Reüben lent (money) to a Gentile, when Simon came and said to the Gentile: I shall lend you (money) at a lower rate of interest.

Answer. Simon owes Reüben no damages. Gentile custom is no man's property. R. Meier of Rotenburg in his *Responses* Nr. 59.

The *Responses* of Rabbenu Gerson of Mainz (960—1028) record an interesting law case.



There came a man to us who had a customer and said: "Issue a decree that no man may come to slander me to my customer so and so, to whom I often lent money without interest and did other services." Thereupon another who had no possession (of this customer) said: "You have no right to prescribe to me, for the fact that he was your customer till now does not concern me, and the fact that you made him presents, lent him (money), and put him under obligation, I disregard. From now on, being my acquaintance, he will be my customer."

Answer. About the right of custom we have already written that it is a matter of usage, and where there is no usage nobody can be compelled. J. Müller, *Responses* Nr. 88; M. Hoffmann, *The Money, Transactions of German Jews*, 391.

In some places, the contrary had become established. If somebody had acquired the confidence of a prince or noble so as to have him for a regular customer, "Marufia", this relation was respected by his coreligionists. The congregation ordained, on pain of the ban, that nobody was to encroach on the right of doing business with a regular customer.<sup>1</sup> Of course, these decisions were later on taken over by the *Shulehan Aruch*.

The passage in *Choshen Mishpat* reads as follows —

Ordinances about him who intrudes on the trade or profession of a fellow-Jew, and about him who exports goods to another town.

The owners of a Bazaar may mutually bind themselves not to let either a tailor, a tanner or any other (Jewish) artisan set up shop among them. If, however, one of the owners was an artisan and they had not hindered him (when he set up in business) or there was a bath or a shop or a mill, and there comes a fellow artisan and establishes another bath, another mill in a decent manner, he has no right to prevent him and to say, Thou takest my living from me. Even if he belonged to the owners of another Bazaar they could not hinder him, for this trade is already established among them.

But if a stranger comes from another town, with the intention of establishing a shop close to the shop of this man or a bath close to the bath of this man, he may be prevented. In case, however, he pays taxes they cannot prevent him.

Nöldeke and Wünsche add (85; 86):

A piece of Guild Legislation. For the present time which has no longer any separate Jewish quarters with an administration of their own all this has no practical bearing whatsoever.

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(1) "Marufia" is derived from the French by J. Müller, l. c. p. XXXVII, from the Syrian by N. Brüll (Jahrbuch VII, 94). M. Hoffmann, l. c. p. 95.

In some places it has been ruled that, in case one Jew has a Goy as a customer, others are prohibited from encroaching upon his trade and from doing business with the Goy. In other places, this ruling does not obtain. Some permit another Israelite to go to that Goy, to lend to him and to do business with him, to buy his favour and to win him, (for it is said). The property of a Goy is like an ownerless object and whoever first secured possession of it has acquired it. Some, however, forbid it" Isserles on this passage. N. and W. 87, and Supplement.

It is evident that the expression "the money of the Akum to no man's property" means nothing else but that nobody has a privilege or may claim a right of priority towards the Akum. Section 7 of the same chapter provides that foreign traders, importing goods into the town, may be prevented by the townspeople from selling their goods in a shop. Only on market days and in the open market place are they allowed to offer their wares for sale; they may not offer them from house to house. If, however, they owe money to the townspeople they are allowed to do business until they are able to pay arrears. Such provisions cannot be made with regard to business done with a non-Jew. Whoever succeeds in doing business with him is entitled to it; in this case competition is not barred. The Jew of the Akum's acquaintance has no monopoly on this Akum because such a privilege has not been acknowledged and therefore not tacitly granted by the principal person, the Akum. It is different with a Jewish business acquaintance who knows and acknowledges the Jewish law and who, instructed by the words of the Bible, 'Thou shalt not remove thy neighbour's landmark (Deut. 19, 14), knows perfectly well that a business connection of many years' standing creates certain privileges which competitors must respect. This does not apply to non-Jews.

Now the reader is requested to scrutinize Justus' forgeries. The passage in Choshen Mishpat 156, concerning unrestricted competition, Justus (*Law* 23) supplements with the following words of his own invention:

But, of course, this applies only where the buyers are Jews; but where the buyers are Akum (Christians) the strangers may be barred, because

it is a sin to confer a benefit on an Akum (Christian) it being an axiom with the Jews that it is permitted to throw a piece of meat to a dog but not to give it to a Nochri (Christian), because a dog is superior to the Nochri (Christian).

There is not a word of this in the text! It is merely another example of Justus' practice of reviling the Christians and ascribing it to the Jews.

*Justus' Law 22 is no better.*

If the Jew has an Akum (Christian) for his customer, another Jew may go to him, lend to him, or do other business with him, and rob him of **his money**. For the money of the Akum (Christian) is ownerless and the first comer has the advantage.

The meaning of the phrase "the money of the Akum is ownerless" we have already explained. It simply means that no Jew has a monopoly on the custom of the Akum.

"And rob him of his money" is a forgery pure and simple, as Nöldeke and Wünsche confirm.

The principle explained above applies also to a second case. When a Jew buys a piece of ground of a non-Jew, the question arises, at what moment does the seller cease to be the owner and at what moment does the buyer become the owner? The transfer of the property may be completed at the time of the execution of the agreement, or upon the payment of the selling price or upon the delivery of the deed, upon the physical possession being given up and the other taking possession, or upon the registration of the deed, etc. Now if, according to the law of the seller he has already lost his ownership, and the buyer according to his law has not yet acquired it — what is the law? This case is the subject-matter of the following passage, referred to by Justus and Rohling.

Rabbi Jehuda said in the name of Samuel, The possessions (estates) of the Goyim are like the desert. Whoever seizes upon them has acquired them. Why? Directly the Goy has got the money it (the sold estate) departs from him (he loses his title to it). But the Israelite does not acquire before the document (the deed of purchase) gets into his hand; that is why (the possessions of the Goy) are like the desert. And whoever has seized upon them has acquired them.

Abaye said to Rabbi Joseph, Can Samuel have said this? Is he not the author of the axiom of the law of the realm being law? And the

King has decreed, Fields can be acquired only by a deed of purchase. He (Rabbi Joseph) said to him, I do not know it. It happened in the generation of shepherds in Israel that an Israelite bought a field of a shepherd. Presently another Israelite came and dug a little in it. The case came before Rabbi Jehuda and he confirmed the ownership of the second. Then he (Abaye) said to him (Rabbi Joseph), Thou speakest of the generation of the shepherds. At that time the field plots were not marked off (the boundary lines were not plainly visible), for they paid no ground tax to the sovereign (Roman emperor). But the (Persian) King has decreed, Whoever pays ground tax may take it, i. e. may be owner. *Baba Bathra* 54b; N. and W. 88.

The case is simple enough. A Jew had bought a field of a non-Jew and had paid the purchase money to the seller. This one had according to his law given up his ownership on receiving the purchase money; but the Jew had not yet received his deed of purchase and, according to his law, he did not acquire ownership before this. What is the situation in the meantime? The Talmud says, The estate is ownerless and if, meanwhile, another has taken physical possession of it he is, by the Jewish law, owner of it. In regard to non-Jews, no privileges obtain. The injury hits the Jewish buyer only, for the seller, the Akum, has received his purchase money and keeps it, and is therefore no loser by the transaction.

This is plainly stated by a) Maimonides and b) the *Shulchan Aruch, Choshen Mishpat* 194, 1; 2.

a) A Goy who sells moveables to or buys moveables of an Israelite, buys in taking over (the goods) or sells in (the Israelite) taking over (the goods) or in paying the price. But land he (the non-Jew) buys by a deed and sells only by a deed, for he relies only on a deed.

If, therefore, an Israelite has bought the field of a Goy and has paid money for it and when before he has taken possession of it, another Israelite comes and takes possession in the way estates of a proselyte used to be taken possession of, the latter has won. But he restores the price to the former, because the Goy, after taking the price, has given up the control (of the object sold) while, on the other hand, the Jew has not acquired it until he has the deed (of purchase) in his hand. Therefore these goods are like the desert: he who takes possession of them has acquired them.

This ruling obtains only in places where there is no royal (state) law about these things. But if the King ordains and decrees that land can be acquired by him only who writes a deed or pays the price and things

of the same sort, he acts according to the law of the King, for all royal laws (State laws) about property are binding. *Mishneh Torah*, *Zechia*, I, 14; 15. N. and W; 89).

b) *Here the words of Maimonides are literally repeated.*

To sum up: The legal maxim that a Jew enjoys no privilege or right of priority in dealing with a non-Jew, not even after having paid for a piece of land, was worded by the Jewish jurists in the form of a legal proverb, viz. "The property of a Goy is like a desert (ownerless), and he who takes possession has acquired it". This axiom can never become injurious to a non-Jew; Nöldeke and Wünsche rightly conclude: "Grave as that axiom sounds, it is absolutely harmless on closer examination".

## XII. Rohling's Last Refuge.

Rohling in his *Reply to the Rabbis* (Page 4) repeats his assertion:

The axiom obtains, *Gupho muttar kol shechen mamono*, i. e. the life of non-Jews is in thy hands (O, Jew), how much more his property.

He quotes as his authority Joseph Albo, *Sepher Ikkarim* (i. e. Foundations of Belief) III, 25. Albo took part in the notorious Disputation of Tortosa (1413—1414).

How does the passage (which is, by the way, taken from this disputation) read?

But as to that part of the commandments which regulate the conduct of man to man and which they call *Judiciales*, the Torah of Moses is in this respect the most perfect of all religious laws. For it inculcates humanity in saying, Thou shalt love thy neighbour as thyself (Lev. 19, 18). It removes hate: Thou shalt not hate thy brother in thy heart (ibid. 5, 17). And with regard to the *Ger* (stranger) it says, Ye shall love the stranger (Deut. 10, 19). It exhorts not to overreach him with the words, He shall dwell with thee, even among you, in that place which he shall choose in one of thy gates where it liketh him best; thou shalt not oppress him (ibid. 23, 17). And this refers not only to the "*Ger Tsedek*" (the complete proselyte) but also to the sojourner who worships no idols. And likewise it commands to put him in the way of profit saying, Thou shalt give it unto the stranger that is in thy gates that he may eat it (ibid. 14, 21), i. e. to a sojourner who may eat of an animal torn by beasts of prey. Taking interest it permits only of a *Nochri* (non-Jew) who worships idols, saying, Unto a stranger thou



mayest lend upon usury (ibid. 23, 21). This refers to an idol-worshipper who, unlike the sojourner, does not observe the seven Noachian commandments. All laws agree that it is permitted to take the life of such an idolater, and even the philosophers permit the shedding of his blood saying, Kill him who has no religion. Likewise the Torah enjoins, Thou shalt save alive nothing that breatheth (ibid. 20, 16). And if his life is at thy mercy how much more his money, for such an idolater deserved to be killed and not to be spared.

### Nöldeke and Wünsche add (Nr. 91):

The author merely adopts the wording and the spirit of the harsh Old Testament precepts against idolaters, for the orthodox Jews must, in theory, study even obsolete laws. But by limiting the notion of idolaters and by utilizing the notion of the sojourner-proselyte all this becomes pointless, and it is a distortion of truth to interpret the theory of the life and property of an idolater being forfeit as if it referred to Christians... The passage completely refutes this assumption.

At the time when the above-quoted religious precepts were compiled, the prevailing doctrine within Christendom was that the possessions of the Jews did not belong to them. The famous Dominican St. Thomas Aquinas devoted a whole disquisition to this subject (*Summa Theologiae* III, 2, questio X). And Thomas was of a mild disposition and anything but a Jew-hater. Some of his writings have been translated into Hebrew by Jews. Notwithstanding this, he discusses in sober seriousness the question whether and in how far Jewish property might be confiscated. The Duchess of Brabant inquired of him whether and to what extent she might put contributions on Jews. Thomas, thereupon, instructs her in his well-known letter "ad ducissam Brabantiae de regimine Judaeorum" (Opera XVI, 292) that the Jews, legitimately, by their own fault, were doomed to eternal slavery and that, therefore, their masters might claim their possessions as their own with the restriction that they must be left the means to live. But as even Jews and Pagans who are without the pale of the Church ought to be dealt with leniently, that the name of the Lord might not be desecrated, ("ne dominus blasphemetur") the Jews should be spared unprecedented coercive impositions, as human nature is apt to be outraged and grieved by what it is not used to. The Duchess

of Brabant is, therefore, advised to confiscate Jewish property according to the methods of her ancestors.

Later on, it became the generally accepted axiom that the possessions of the Jews belonged to the Barons ("les meubles des Juifs sont aux Barons". Ducange s. v. *Judaei*) so that even baptism could not save them. Before the Jew was baptized he had to deliver his possessions to the Baron that the latter might not suffer an injury. It was a remarkable event when Gregory the Great felt it incumbent upon him to direct his Defensor Candidus in Sicily to return a paid bond to a Jew (Gregorovius, *History of Rome* IX, 56). Papal intervention was necessary to enforce this! The oppression of the Jews by individual patrons was such that the Barons were often compelled to get the Jews to swear that they would not leave their dominions. If certain norms of civil law could be established on the maxim "that Christians are not to be appeased by words and soft phrases, but by sums of money and he who falls into their hands can not be redeemed for nothing" (Rabbi Meier of Rothenburg, *Responses*. Ed. Cremona. Nr. 33) it is certainly a sign of sad experiences.

The sovereigns were rarely milder than the small tyrants. Philippe-Auguste of France being once in financial straits ordered the Jews to leave his territories but to deliver first their possessions into the royal treasury (1181). Some years later he wanted money again, so he recalled the decree of banishment for large sums (1198). If then, insofar as Jews were concerned, violence and coercion were the only foundations of law, this condition certainly explains, even if it may not justify the belief of persons of inferior morals, that it was permissible for them to meet ruthless violence with calculated cunning, and, by craft and deceit, to cheat wicked lawlessness of its prey.

Another forgery of Justus (*Law 26*) is this:

If a Jew does business with an Akum (Christian) and another comes and assists him in cheating the Akum (Christian) by false measure, false weight, or false accounts, both must share the profit.

Here is the literal translation of the complete passage to which Justus refers as his authority.

If one of two partners does business in forbidden wares without the knowledge of the other, in an animal torn by wild beasts, in carrion or in like (forbidden) things, the profit belongs to both. The loss, however, if there is one, must be borne by him who did the business.

Hagaah. The same holds if one of the partners has stolen or robbed; he must share with the other, but bear the loss by himself. This applies if the loss happens before the origin of the goods became known to the second partner; but if, after the sharing of profits, complaint is made; or if one of them buys stolen goods and shares the profit with the other, and complaint follows, they have to bear the loss between them, for the other has subsequently agreed to the act. *Choshen Mishpat* 176, 12; *Yore Deah* 117.

There is no mention of an Akum or non-Jew. It is a legal question whether a partner who has stolen, and that from a Jew, is obliged to share the proceeds with his partner, or if in case of evil consequences the partner is obliged to bear his share of them. There is a similar discussion in *Choshen Mishpat* 183, 7.

If one sends a messenger to fetch money from an Akum, and the Akum gives more by mistake, the whole belongs to the messenger.

Hagaah: This obtains only in case the messenger has noticed the mistake before delivering the money; if he notices the mistake after delivery, the surplus belongs to his master.

If one does business with an Akum and is assisted by another in cheating the Akum in measure, weight, or number, they share the profit, no matter whether the second has done it for money or gratis.

Here, too, we have merely the decision of the legal question: to whom does the profit of a forbidden act belong? In deciding this question, the author did not dream of declaring theft or robbery as permissible, no more than did the Christian moralists in discussing similar questions.

Every female and male person may take and demand payment for the immoral use of her (or his) body, and he (or she) who has promised it is obliged to pay. Emmanuel Sa, *Aphorismi Confessoriorum*, page 412.

How much may a female person rightly ask for the use of her body? Considering everything, as nobility, beauty, age, reputation, one who is reputable and inaccessible deserves more than one who prostitutes herself to everybody. A public harlot may not rightly demand and take more than she is used to demand and take. But a reputable woman may demand and take as much as she likes. Thomas Tamburini, *Opera*, page 197.

The married woman Elfrida receives from Rabo, a noble youth, a not inconsiderable price for the use of her body. After she has reformed, she is troubled about this price chiefly because she has extorted it by flattery and lies, by pretending she had been deeply in love with him, etc. The question now is whether Elfrida may retain this extorted price of adultery. I answer that she may. Adamus Burg-haber, Professor of Theology in Freiburg im Breisgau, 1608--1687, *Centuriae Selectorum Casuum Conscientiae Tres*, Nr. 33, page 483.

Neither Justus, nor Rohling, nor Dinter nor anybody else will infer from this that the theologians quoted approved of lust and adultery. They neglected to add a warning against these sins, because they had treated them fully in another chapter. The same applies to the *Shulchan Aruch* touching the questions discussed in it. The prohibition against defrauding, robbing and overreaching in measure and weight, in dealing with the Akum, had been inculcated often and fully, as passages quoted above will attest. Thus when a rabbi was consulted on the question as to whom the profit accruing from the mistake of a Goy belonged (see above p. 113) he ruled in accordance with the *Shulchan Aruch*, but added:

But I say that, for the sake of sanctifying the Divine Name, that Israelite must restore the excess erroneously given by the Christian. For the remnant of Israel shall not do iniquity nor speak lies; neither shall a deceitful tongue be found in their midst, as is taught in *Baba Metsia* and in *Kiddushin*. That is why our ancestor Jacob commanded his sons to return the money which they found in their bags to the Egyptians although these were idolaters, and all this in order to sanctify His Divine Name. And it is forbidden to deceive any man, Mohammedan or Christian. I swear by the Temple that such a thing happened to me. I sold goods to a Christian. He paid me too much by mistake. I went to many Christians until I found the buyer and returned the money unto him. Rabbi Benjamin ben Mathatya, *Responses* Nr. 409. Venice 1539.

### XIII. The Jew as Witness.

Justus (*Law* 19) quotes:

If an Akum (Christian) has a claim against a Jew, a Jew who would have to witness in favour of the Christian must not make this deposition lest he be the only witness in the case and the Jew, on the strength of this deposition, would have to return the money.

And Rohling, with the pomposity of a discoverer, says (*My Answer to the Rabbis*, page 44):

For the guidance of the Law Courts I must, on this occasion, draw attention to a passage till now overlooked. It says in *Baba Kamma* 113b that a Jew who deposes against and to the detriment of a Jew shall be punished by the Great Excommunication.

Dinter, *Rays of Light*, page 12, copies this charge.

I here submit the entire passage as translated by Nöldeke and Wünsche (Nr. 228).

An Israelite who has something to depose in favour of a Goy and, according to the laws of the Goyim, testifies in his (the Goy's) favour against his coreligionist, is excommunicated. Why? Because the Goyim, on the evidence of one witness, pronounce for payment of the money sued for. But this applies only in case of one witness, not of two (these would not be excommunicated) and even in case of one witness, this applies only before a village magistrate; in a regular law court this is not so, because the latter in case of one witness requires an oath of the plaintiff.

The whole passage from "Why?" to the end, Rohling dropped, and thus as Nöldeke and Wünsche observe, distorted the meaning of the whole quotation.

According to the law of the Pentateuch an adverse verdict can be pronounced only on the evidence of two witnesses. If, then, a strange law court decides money matters, on the evidence of a single witness, a Jew should not testify if the nature of his testimony is such as to cause his coreligionist to lose his case, contrary to the Jewish law. The excommunication does not take place if two Jews give evidence, for then the plaintiff is not wronged. Besides, the Talmud discriminates between different law courts, taking into consideration the Persian organization of legal institutions. Persia may be assumed to have had orderly tribunals presided over by trained judges in populous towns only, while in the country simple village magistrates administered justice.<sup>1</sup> The expert judge would in case of one witness administer an oath to the plaintiff.

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(1) In 1227 a Synod of Treves by order of Government decreed: "As at present lawsuits are conducted only in large places where is a sufficient number of law experts, no case is to be taken up by a vicar, rector, or country



This oath would, in the case discussed by the Talmud, be taken by the plaintiff non-Jew. The Talmud, as we saw above, approves of this. Nöldeke and Wünsche add, that the *Shulchan Aruch* (*Choshen Mishpat* 28, 3) exculpates also the single witness if the defendant acknowledges his evidence as true.

On the other hand, there is the following ruling: If a Jew sues a non-Jew for payment of a debt, and the defendant calls on a Jew as a witness, the latter may go to a non-Jewish law-court and depose in favour of the non-Jew, for in Jewish law one witness is enough to absolve the defendant from payment (*Choshen Mishpat* 28, 4. *Meirat Enayim*, *ibid.*).

Pope Alexander III. (1159—1181) decreed (1175) that it was not permitted to either a Christian or a Jew to settle a law suit upon the evidence of one man, but that in disputes between Christians and Jews, according to the words of the Lord, two witnesses were necessary "qui sint probatae vitae et fidelis conversationis" (Jaffe, *Regesta Pontif. Rom. ad annum* 1198).

As the Talmud does not provide for a witness to be sworn, and as the judge had, therefore, to rely exclusively on the staunch honesty and the truthfulness of the witness, those were considered unable to give evidence who were not sensitive as to their honour, as for instance people who thought nothing of eating in a public thoroughfare (an old proverb says, "He who eats in a public place is like a dog") or who expose their nakedness in the market place.

Such people "are like dogs and their evidence is not trustworthy". Those also are debarred from giving evidence who publicly take alms from non-Jews although they might be relieved in private. All these are, according to the Sages, inadmissible as witnesses (*Choshen Mishpat* 34, 18).

Let us see now how Justus falsifies this harmless provision. In the first edition he writes:

Law 22. He who lowers his honour, e. g. by . . . or he who asks alms of a Christian where he might do it in secret (i. e. might take it according to his want) is like a dog . . . and is not admissible as a witness.

dean" (Cp. Nicholas Spiegel, *The Vagrants and their Order. Gymnasialprogramm Speier 1891/92.*

In the later editions, the falsehood is not quite so barefaced, but remains a falsehood nevertheless. In them, it reads:

As a witness may be admitted he who is honorable; but he who walks naked in a public thoroughfare or -- let us say -- takes alms of an Akum publicly when he might get the alms in private, is like a dog and false evidence is no great matter to him.

The *Shulchan Aruch* does not say that a public beggar asking alms of an Akum is "like a dog".

This provision is intelligible in the light of the social laws in the Bible. The emperor Julian said to the High Priest Arsacius: "It is shameful that there should be no beggar found among the Jews and that the godless Galileans should feed our beggars in addition to their own."

The German judge, Dr. Olshausen, in his *History of Beggars* (*Schmoller's Jahrbuch für Gesetzgebung, Verwaltung und Volkswirtschaft im Deutschen Reiche*, Jahrgang 1902, Heft 4) says:

Among the Jews, the simplicity of the whole life and the moral appreciation of labour (in contrast to that of the Pagans) as a duty imposed on each individual by God, precluded grave social distress. But where in individual cases, poverty did exist there charity gave relief to the poor so as to give no occasion for begging; the law itself ordained in manifold ways keeping an open hand for the poor, helping them, and, as to-day, the Jews of the olden time were always ready to assist each other. Only he was allowed to beg who had no means of subsistence for a single day. It was only in later times that the fateful suggestion that alms-giving is itself meritorious and a counterbalance against possible sins turned up, a view which inevitably gave rise to a begging proletariat.

Finally, two expressions of the Catholic view of evidence may find their place here. Antonius de Escobar (born in 1589):

I falsely allege that an adulterer wrote love letters or that a heretic mutilated the image of the Crucified. Is this a grave breach of justice? By no means (as Filliucius says), because I disparage a man already ill-famed for that kind of sin in a matter which is related to it. *Liber Theologiae Moralis*, page 223.<sup>1</sup>

(1) As to the Jewish precepts regarding this, a Christian Bible scholar, J. Köberle *Sin and Grace in the Religious Life of Israel down to Christ*, page 494) writes:

The sins of the tongue are often mentioned in Jewish literature. One moral judgment is particularly acute: slandering one's fellow man, injuring his reputation, disparaging him in public, and the like, is often denounced as a very grievous sin.

## Johannes de Alloza:

He who knows that another man is in prison for a murder committed by himself is not bound to surrender himself at the risk of losing of his own life. *Flores Summarum*. Coloniae Agrippinae 1677.

## XIV. The Jew as Judge.

Anti-Semitic libels dealing with the Talmud make much capital of the passage in *Baba Kamma* 113a. Rohling utilizes it times out of number; it is his favourite quotation.

In *My Answer to the Rabbis* (pages 6 and 7) he says:

Even in a law court one is never safe, because the Talmud (*Baba Kamma* 113a) teaches that the Jew in lawsuits with non-Jews must be victorious at all costs, by means of the law, if possible, if not, by means of cunning and deceit. However, on the advice of Ismael, it adds that one must be careful not to be caught. What, then, is the oath worth which is taken against a non-Jew? — —

And on page 43 he goes on:

Tradition says: A Jew and a non-Jew go to the law. If thou (O Jew) canst prevail over him by the laws of Israel, do so and say unto him, Such is our law. If thou canst prevail over him by the laws of the nations, do so and say unto him, Such is your law. And if (this avail) not, get the better of him by deceit. — Here evidently perjury is permitted where the interests of a Jew call for it generally and in all questions. This doctrine is called tradition.

At the outset, it should be stated that this passage, of which Rohling gives such a curious summary, contains a discussion which centres round the legal position of the Publican, made so familiar by the Gospels.

Professor Holzmann says about the Publican (*Schenkel's Protestantisches Bibellexicon*, vol. V, page 723):

The odiousness of the business in itself, which was inseparable from constant interfering with traffic and extreme squeezing of the tax-payers, accounts for the position of the sub-contractors of the Roman customs. Every Jew who was connected with this taxing system, either as tax collector or as publican, was looked upon as a man who cheated his people to his own advantage, and was not considered a trustworthy witness by the Jewish law courts. Only selfish and thoughtless people engaged to this business; they were at once branded by the public opinion and ostracized. Thus the evil reputation of the publicans and sinners was only too well founded: it had become a by-word not only

in Judaea, but in the whole empire. Cf. Friedländer, *Darstellungen aus der Sittengeschichte Roms* II, 28.)

Cicero (*De Officiis* I, 42) in enumerating callings which are dishonourable, because they make men hated, includes publicans and usurers.

The Mishna repeatedly voices the same view.

Shepherds, tax-collectors, and publicans can hardly make atonement, for; they can make restitution (of what they have wrongfully taken) only to those whom they know. *Baba Kamma* 94 b; N. and W. 138.

Nöldeke and Wünsche explain:

Sins against men are not forgiven unless those wronged are appeased by restitution. But people like tax-collectors and publicans, who cheat in following their calling, do not know whom they have cheated and are, therefore, unable to do full penance even when they are inclined to do so. That the publicans as a class were held to be sharpers is evident from the Gospels. Herdsmen, especially shepherds and goat-herds used to pasture where they pleased, regardless of the landowner.

And now let us look at *Baba Kamma* 113a. The Mishna reads:

Change is not taken from the money box of publicans nor from the bag of tax-collectors, nor do we accept alms from them unless it comes from the house of one of them or from the market place.

Nöldeke and Wünsche (Nr. 139) add in explanation, "i. e. not from the tax box, for that money may be assumed to have been robbed".

This is followed by a discussion of the question as to how this view of the publican as a robber can be harmonized with Samuel's fundamental axiom "The law of the realm is law".

As to the occasion of this discussion, and the Mishna to which it referred, various versions are recorded.

Publican? (Question): How can our Mishna put the publican on a level with a robber when Samuel declared the law of the realm to be binding on the Jews? (Answer:) Rabbi Hanina, son of Kahana, answered in the name of Samuel, that our Mishna means a publican who, without a fixed standard, levies custom-duties at his pleasure. But the disciples of Rabbi Yanai explained: The Mishna does not mean a royal customs officer but a ruffian who arbitrarily imposes customs and thus puts people under contribution.

According to another report this discussion refers to the following Mishna:

It is forbidden to cheat the publican of the customs-duty. Rabbi Simon says in the name of Rabbi Akiba: It is permitted to evade the customs-duty. (This is followed by *Question and Answer* as above.)

Another version refers it to *Mishna Kilayim* 9, 2:

It is forbidden to put on a mixed garment (of linen and wool, a garment forbidden in Lev. 19, 19; he who puts on such a garment gives himself the appearance of a non-Jew) even on ten garments below it, in order thus to escape the customs duties.

To this Rabbi Akiba does not agree for he taught that it is permitted to dodge the customs. (This is followed by the *Question and Answer* as in the first version.)

Another version refers the discussion to *Mishna Nedarim* 3, 4:

In dealing with murderers, robbers, and publicans, one may escape being robbed by a protestation (vow) that the objects which they want to seize are royal or Temple property. (This is followed by *Question and Answer* as before.)

Rabbi Ashi says: This refers to a non-Jewish publican, for it was said, "If such a one meets a Jew (in a lawsuit) judgment is given according to the Jewish law if this is favourable to the Jewish litigant, or according to the Roman law if this is favourable to the Jew; if not, recourse may be had to legal quibbles in order to secure judgment to the Jew". These are the words of Rabbi Ismael. Rabbi Akiba, on the contrary, says, "Legal quibbles are forbidden, for the Jew is bound to sanctify the Divine Name". Rabbi Akiba! But how if it is not a question of desecrating the Divine Name, is it permitted to get the better of him by cunning? Is robbing a Goy permitted? Etc. Then follows the proof that it is forbidden to overreach an idolater (to rob him).

So far the Talmudic text in the translation of Nöldeke and Wünsche.

It is, then, evident that the non-Jewish party in the lawsuit was a publican against whom, according to this version, Rabbi Ismael is said to have permitted legal quibbles such as are not unheard-of even in modern law courts. Rohling made the discovery of a false oath being recommended, although no word is mentioned about an oath.

Akiba and Ismael lived in the first half of the second century under the most cruel oppression of the Roman Empire and the discussion had for its subject a lawsuit between two litigants who were subject to different laws. Thereupon, Rabbi Ismael recommends applying the law which is favourable to the Jew. The



Austrian Civil Code decrees (§ 35): A transaction entered into by a foreigner in Austria, by which the foreigner grants rights to others without providing for mutuality, is to be judged either by the Austrian law or by that of the foreigner, according as the one or the other law favours the validity of the transaction.

How Roman judges ruled in lawsuits between Romans and Jews anyone acquainted with history may easily imagine. Of Christian moralists I quote Professor Gregorius de Valentia (1551—1603).

It is doubtful whether a judge can give judgment without respect of persons, where a friend is concerned, according to the most plausible opinion, when opinions among the learned differ. If the judge thinks both opinions equally sound, he may give judgment according to the opinion favourable to his friend, nay, he may rule now following the one, now the other opinion according as it is in favour of his friend, only he must avoid to give offence. *Commentarii Theologici*. Lutetiae 1609. Tom. III, col. 1152).

Rohling who gave his interpretation of the passage *Baba Kamma* 113a on his oath as a professor makes Ishmael, the contemporary and opponent of Akiba, speak in the name of the latter, although the passage itself contrasts the opinions of Ishmael and Akiba, "a striking misunderstanding in a supposed Talmudic expert" (Nöldeke and Wünsche).

Ishmael and Akiba were antagonists, and the Schools started by them opposed each other in their principles and methods.

Akiba was the initiator and compiler of the Mishna. In contrast with the former custom of the School to go each week through the assigned portions of the Pentateuch and to canvass the religious and legal norms resulting therefrom, he pursued the new method of arranging his lectures according to topics. In the Bible, the civil and marriage laws are no more set apart than the ordinances about festivals and sacrifices. Akiba is supposed to have been the first to have arranged the laws of the Sopherim and Tannaim according to subjects, lecturing for a certain period about Civil Law, for another about Marriage Law, and so on, in a suitable order and division. We know that the term "Perek" was given to that section which was explained by the head of the School in one day. (*Berachoth* 11b; *Erubin* 36b).

Rabbi Ishmael, on the other hand, adhered to the old method and arranged his Halachoth as a running commentary on the Bible. His disciples, of whom only two, Rabbi Jonathan and Rabbi Josiah, are named, while the others are called by the general term "Tana debe Rabbi Ishmael" retained the same method. To this School is due the Commentary on Exodus which is known under the name *Mechilta debe Rabbi Ishmael*. That there was such a Mechilta also on the three succeeding books of the Pentateuch is evident from the Introduction to Maimonides' Code and from the matter contained in *Sifra* and *Sifre* in which many considerable parts of that lost Mechilta may be traced.

The contrast between the two men, consistent and comprehensive as it was, had its root in their different mentalities. Akiba had risen from the lowest social class; Ishmael was a scion of the powerful caste of priests who could not forget that the Scripture allots to the High Priest the purple and the diadem. In *Chullin* 49a we read that Ishmael always advocated the privileges of the priests.

The antagonism between Akiba's *Mishna*, which in later Judaism acquired canonical authority, and the halachic commentary *Mechilta* and the kindred works of the School of Rabbi Ishmael, is seen in the fact that although the disciples of Ishmael, Jonathan and Josiah, are the principal exponents of the tradition and the halachic discussion, the *Mishna* utterly ignores them, not even mentioning their names.

It is, therefore, of particular importance to know the exact words of Ishmael's opinion about the lawsuit between a Jew and a Roman as it is given in the books which most faithfully reflect his teachings. *Sifre* on Deut. § 16 reports that Ishmael, in a litigation between a Jew and a pagan, insists on giving judgment according to that law which favours the Jew, while another teacher allows the pagan to choose by which law the litigation is to be settled. There is absolutely no trace of the statement that legal quibbles may be resorted to in order to secure a decision favorable to the Jewish litigant. From this may be inferred that the other report as given by the School of Rabbi

Akiba was either unknown to the disciples of Rabbi Ishmael or had no currency with them. In the school of Akiba, Ishmael was credited with a maxim which was either disclaimed by his disciples or was absolutely unknown to them.

Now the question is which of the two opinions became authoritative.

Maimonides says:

If two Goyim come before you to be judged according to the law of Israel and both agree to be judged according to the law of the Torah, they are judged (their case is settled) according to the Torah. But if the one is willing, and the other is not, he is not to be coerced to be judged by law other than his own. But if it is a case between an Israelite and a Goy and their (the non-Jews') law is favourable to the Jew, judgment is given according to their law, and we say to him, Such is your law. If, however, our law is favourable to the Jew, judgment is given according to the law of the Torah and we say to him, Such is our law. — But I am of opinion that we deal not like this with sojourner proselytes, but that they are always to be judged according to their law. Also I hold that, in our intercourse with sojourner proselytes and in our charity towards them, we are bound to treat them like Israelites, for we are commanded to feed them, as it is written (Deut. 14, 21), "Thou shalt give it unto the stranger that is in thy gates that he may eat it." And as for that which the Sages say, "They are not saluted twice," that refers to Goyim, not to sojourner proselytes. The Sages have commanded us to visit the sick of the Goyim, to bury their dead among those of the Israelites, to provide for their poor together with those of the Israelites, for the sake of peace for it is written (Ps. 45, 9), "The Lord is good to all, and his tender mercies are over all his works." And it is written also (Prov. 3, 17), "Her ways are ways of pleasantness, and all her paths are peace." *Mishne Torah, Melachim* X, 12; N. and W. 150.

Shemtov ben Abraham, in his book *Migdal Oz*, says concerning a similar ordinance (8, 5):

At that time, there prevailed among these Akum peoples only rude ignorance and idle, wicked aspirations, but no ordinances, no law either written or oral. The Israelite, therefore, had nothing to guide him but the Palestinian or the Babylonian Talmud . . . Even at the time of Maimonides there was not everywhere a national law to protect one from injury. Look at Spain, at Arabia. There the injured party had to take to his heels if he wished to escape the malice of the stronger who always had the law on his side, and we must not forget that Maimonides was born and bred in that country and at that time.

This decision is agreed to by the later rabbis.

Rabbi Meïri of blessed memory wrote concerning this decision: If the publican was one of those idolaters common in the olden days, who were not hedged in by the rules of religion, and he (the Israelite) kept the customs (from the publican) it is overlooked as being neither actual robbery nor a desecration of the Divine Name. The same applies if one of those people sue an Israelite before an Israelite law court. If the judge can give judgment for him by the law of Israel it is well; if not, let him try to give judgment for him by their laws. It is permitted to say, "Such is your law". But if he find no means of freeing him of the claim (of the plaintiff) he must give judgment against him and compel him to pay lest they (the idolaters) say, "They are partial towards their own (towards their coreligionists)". But this by no means applies to those who are hedged in by the rules of religion; these are judged strictly in accord with the law, which must pierce the mountain (a Talmudic idiom = fiat justitia, ruat coelum) no matter whether it be in their favour or in that of their opponent. Hence it follows that it is forbidden to rob even idolaters who are not restricted by the rules of religion; and if an Israelite is sold to him (the idolater) as a slave, he may not go from him without ransom, and it is also forbidden to deny him a loan. Nobody, it is true, is obliged to hunt for something lost by an idolater in order to return it to him, and not only this, but the finder is not even obliged to return it, because a find is a sort of acquisition and restitution is an act of good-nature, and we are not obliged to practise good-nature towards him who observes no rules of religion. The same applies to mistakes. If he makes a mistake without being led into it by the other's cunning and efforts, one is not obliged to make restitution. But if it becomes known, one is certainly obliged to do so. The same applies to lost property: whenever desecration of God's Name is incident to its retention it must be returned. But this does not apply to those who belong to the nations which are hedged in by restraining religion and who worship God somehow, be their faith ever so far removed from ours, but they count as perfect Israelites in all things concerning lost property, mistakes and other matters, without any discrimination whatsoever. Menachem Meïri, *Shitta Mekubetseth* on *Baba Kamma* 113a; N. and W. 149.

The Midrash on Psalms 82 says:

The judges are not to think, We sit here alone in judgment, for God says, Know that I sit with you. It is written: "And I will come near to you to judgment" (Mal. 3, 5).

Finally, the testimony of the famous Polish patriot Franz Smolka who, for several decades, was the President of the Austrian Parliament, may find a place in this chapter. In a



speech made in the Diet of Galicia on Sept. 30, 1868 he said of the rabbis as judges:

Does it not happen that in disputes between Christians and Jews both parties agree to submit to the judgment of either Rabbi or Kahal? I know of many such judgments, and I can tell you that they were just, and that the parties submitted to them of their own free will. Would to God that we also had institutions to which we could appeal to settle our private disputes.

### XV. Prohibition of Bribery.

One must not lead anybody, including non-Jews, to do anything that is forbidden; he who does so, offends against the law of the Torah, "Thou shalt not curse the deaf, nor put a stumbling-block before the blind" (Lev. 19, 14). *Orach Chayim* 347 in *Magen Abraham* 4.

Professor Wahrmund says in his book *The Law of Nomadism* 1887, page 47:

Just as to-day, the Jew first thinks of bribery, so it was and still is in the whole Semitic Orient, and, of course, in ancient Israel as well.

Does not Wahrmund know the classic passages of the Bible?

"And thou shalt take no gift: for the gift blindeth the wise, and perverteth the words of the righteous." (Exod. 23, 8.)

The same is repeated Deut. 16, 19.

Besides, the rabbis explain:

Who bribes a judge, offends against the law, "Thou shalt not curse the deaf, nor put a stumbling-block before the blind" (Lev. 19, 14). Responses *Chatham Sopher* VI, 14, quoted in *Pith'che Teshubah* on *Ghoshen Mishpat* 9, 1.

The Count Palatine Charles Louis complained to the Rabbi of Mannheim that whenever Jews went to law against a Christian, they tried to bribe the Christian judge. The rabbi replied among other things, that the religious hate was so great, that the Christian judge was involuntarily inclined to favor the Christian party, so that the bribe merely inclines him to be impartial, making possible an impartial decision. Religiously this measure is not justified, but it is clear that the Jews do not think they do wrong with the bribe. Responses *Chavot Ja'ir*, number 196 by Jäir Chayim Bacharach, lived 1638—1702.)

Finally one more dictum of a prominent non-Jewish Moral Theologian.



An sit aliqua causa excusans prae-bentem munera concubinae iudicis ab illaque petentem, ut iudicem in negotio interpellat?... Si negotium grave sit videasque iudicem tibi non esse propitium, speres autem intercessione concubinae gratum fore, neque alia via appareat, qua possis illum ad servandum tuum jus inflectere, crederem tibi licere petere a concubina, ut in tali negotio intercedat . . . Quod vero media illa intercessione concubina et iudex periculo peccandi exponantur, non obstat, quominus id liceat fieri possit urgente gravi causa. (Professor Ferdinandus de Castro-Palao, 1581—1633, Opus morale. Lugduni 1638.) (I tract. 6 disp. 6.)

Is there an excuse for giving presents to the concubine of a judge, and to ask her to influence the judge? . . . If it is an important business, and thou seest that the judge is not kindly disposed towards thee, and so hopest to win him over through the intercession of the concubine, and if there is no other means to make him safeguard thy rights, then thou mayst, I think, ask the concubine's intercession . . . If by this intercession the concubine and the judge are exposed to the danger of sin, there is no reason why it should not come to pass if the cause is of urgent importance.

In times "innocent of Jews", gifts were acceptable to kings and judges alike. A delegate of the City of Frankfort reports to the Council (1418 A. D.), "they should take into consideration how important it is to send rich gifts to the king; the Nurembergers gave more than all the others and are therefore all-powerful". Heinemann, *Judges and Administration of Justice in the German Past*, p. 57.

When the Council of the City of Frankfort in 1722 sent Ochs (von Ochsenstein who later on became Mayor) to Vienna in order to win over to its cause Count Stein, the Councillor of the Imperial Court, he was instructed to tell the count, "that, in case he should effect all this and place the Corporation in a position to prove our material gratitude, we shall present him, in return for his many troubles, with a remuneration of 10000 thalers, i. e. 15000 florins".

Even the emperor was not inaccessible to money. Ochs was directed (1729) to offer him 100000 florins for the erection of a castle. But Ochs was treated to a surprise. He reports (January 14, 1730): After having attentively listened to me, he said it was very nice, but yet not quite up to date, for citizen deputies

had offered him 200 000, payable in quarterly instalments of 25 000 florins, — costly competition!

The Vice President of the Imperial Court Council gave Ochs to understand that various cities had given him gratuities. "That is why I beg to ask the Corporation for a cask of Hock of the year 19, and that first three to four samples should be sent immediately in jugs packed in a chest to the Vice President. I had to look upon it as a favour and do not see how it could be declined."

Thus Ochs meets with corruption everywhere in the Imperial Court. Nearly all persons with whom Ochs has to do must be bribed out of the treasury of the City of Frankfort.

G. L. Kriegk *Sketches of Social Life in the 18th Century*, pp. 32—51, compiled a large number of gratuities included among the secret disbursements of Frankfort; only once, in 1771, a gentleman refused the offer of 200 ducats. Was it too little?

The answer of the Baron von Vockel in Vienna is characteristic of the morals of that time which was "innocent of Jews". Having a determining voice in a legal case, he had been given 100 ducats. He "gratefully acknowledged the present and promised to bear said generosity in mind on other occasions, in the way of justice (!)".

One more instance out of innumerable others. The Protestants wanted permission to build a church and made all sorts of efforts to get it through the Court of the Saxon Elector. In 1750, the Council of Frankfort got a letter from which we quote the following passage: "Her Highness the Princess (a daughter of the Emperor Charles VII.) in response to your suggestion said that the affair was known to her, and that she remembered that her late father had been offered on that account a sum of money and that she herself had been offered a fine bag of ducats if she would lend her help to the Protestants".

The attempts at bribery were carried on quite openly (Kriegk, l. c.).

Justus (*Law* 18) is horrified by *Choshen Mishpat* 26, 1 for obliging Jews to apply to Jewish courts, in internal

disputes, in countries where the authorities leave the Jews in civil law-suits to their own jurisdiction. Similar injunctions were addressed, as late as the 10th and 14th centuries, to Syrian Christians. "Quod nefas sit Christi fideles adire extraneos iudices". Syrian-Roman Code of Laws of the 5th Century by Dr. Charles George Bruns and Dr. Ed. Sachau. Leipsic 1880, p. 174. — The Code of Laws of Ebed Jeshu (about 1300). Canon of Treatise V].

In the Nestorian Council of the Patriarch Johannes Bar Abgar A. D. 901, an anathema was pronounced against anybody who would take his case to a Mohammedan judge.

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## CHAPTER VII.

### THE CHARGE OF USURY.

#### I. Meaning of the Word Usury.

Among the most brazen performances of Herr Rohling belongs his assertion that the Talmud has favoured usury. Bishop Dr. Konrad Martin of Paderborn likewise says in his *Glimpses into Talmudic Judaism*, that the rabbis not only permit, but advise it (p. 38). We shall see that the Talmud in its rigour surpasses even the law of the Pentateuch.

The meaning of the word usury has in the course of time undergone radical changes, reflecting changing views toward it. To-day, only unfair, extortionate, legally-forbidden interest is called usury. Formerly it was different, every kind of interest, the tiniest profit from the loan of capital, being branded as usury.

"When one lends money and asks or takes more for it, this is usury", says Luther in his Letter to the Clergy. "Therefore those who take 5 or 6 or more per cent of borrowed money, are usurers, and they are called the idolatrous servants of avarice and of mammon, and cannot attain to salvation unless they do penance.

Nay, he who takes more than he lends is damned, and a thief, and a robber, and a murderer."

Only to the widows and the orphans Luther permits "usury in a very small way", as he terms it, a quasi-merciful action, because otherwise they would not be able to exist.

The prohibition of interest which is always resorted to for the protection of the poor and the needy is in fact a benefit only if the needy are sure to get a loan anyhow, a circumstance generally overlooked. The Mosaic law has branded the denial of

a loan as an act of vileness equal to the taking of interest. In the *Book of Sirach* (29, 2) it says: "Lend to thy fellow-man in time of need, and return it to thy fellow-man at the promised time". If, however, taking interest had been forbidden in dealing with an alien, it would have been hard for such a one, notwithstanding the law, to get a loan, and therefore, for this very reason, the prohibition of interest could not be enforced against him. Thus one reads:

If thou lend money to any of my people that is poor by thee, thou shalt not be to him as an usurer, neither shalt thou lay upon him usury. — If thou at all take thy neighbour's raiment to pledge, thou shalt deliver it unto him by that the sun goeth down. (Exod. 22: 24, 25.)

And if thy brother be waxen poor, and fallen in decay with thee, then thou shalt relieve him; yea, though he be a stranger, or a sojourner; that he may live with thee.

Take thou no usury with him, or increase: but fear thy God; that thy brother may live with thee.

Thou shalt not give him thy money upon usury, nor lend him the victuals for increase. (Lev. 25: 35, 36, 37.)

Deut. 15: 7, 8 also contains an urgent appeal to assist a needy brother with a loan.

It is branded as an act of vileness to refuse a loan because of the imminence of the year of release which extinguishes all debts (Deut. 15, 9).

Thou shalt not lend upon usury to thy brother; usury of money, usury of victuals, usury of anything that is lent upon usury:

Unto a stranger (nochri) thou mayest lend upon usury; but unto thy brother thou shalt not lend upon usury. (Deut. 23, 19; 20.)

The choice of the word "nochri" proves that thereby an alien is meant to whom it is permitted to lend upon interest.

The Prophet Ezekiel compares the usurer to a murderer, for just as the latter sheds blood the usurer sheds it likewise through robbing of the means of living.

In thee have they taken gifts to shed blood; thou hast taken usury and increase, and thou hast greedily gained of thy neighbours by extortion, and hast forgotten me, saith the Lord God. (Ezek. 22, 12.)

In another passage the same Prophet says in a similar vein:

Hath given forth upon usury, and hath taken increase: shall he then live? he shall not live: he hath done all these abominations; he shall



surely die; his blood shall be upon him. (Ezek. 18, 13.) Compare also *ibid.* 1, 17.

## II. The Prohibition of Interest in the Talmud.

Rabbi Gamaliel says: There is a prohibition of interest before (i. e. before receipt of the money), and a prohibition of interest afterwards. One must not give a present to anybody after the repayment of the money and tell him, "Because thou hast left thy money with me unused". Creditor and debtor, witness and surety are guilty of a fivefold crime in every single transaction of interest. *Baba Metsia* 75 b.

Look, how blind are those who take interest! exclaims a Talmudic sage. If somebody insults his fellow creature, calls him evil-doer, villain, he takes bloody revenge on the insulter, -- and yet these usurers bring witnesses, a scribe, pen and ink, and seal with their signatures: So-and-So has denied the God of Israel. *ibid.* 71 a.

If one lends on interest, his fortune dwindles away. *ibid.* 71 a.

Usurers are like murderers. They can just as little make amends as they. *ibid.* 61 b.

Who offends against the law of taking interest is incapable of giving evidence. *Mishna Rosh Hashana* 1, 8; *Sanhedrin* 3, 3; *Shevuoth* 7, 4; *Baba Metsia* 75 b.

Rabbi Simon ben Yochai says: "Taking interest is a grievous sin; for even a friendly greeting is interest. This happens, if A. never saluted B. in his life; but B. has become his creditor, and now he forestalls him with his greeting. This forced salutation is interest." *Tosefta Baba Metsia* 6, 17.

He who abides by the prohibition of taking interest, takes the yoke of heaven on himself; he who breaks loose from it, breaks loose also from heaven. He who acknowledges the prohibition of taking interest, acknowledges God as Father and Redeemer of Israel; he who denies it denies also the redemption of Israel through God. *Baba Metsia* 61 b; *Sifra Behar* 6; *Yalkut* I, 666.

Those who take interest shall some day sink their teeth in their own flesh and say: Oh, if instead of practising usury we had carried heavy burdens and worked by the sweat of the brow! *Midrash Rabba* on Ex. 31.

Rabbi Anan says in the name of Samuel: The money of orphans may be lent on interest. To this Rabbi Nachmann replied: Because they are orphans, one permits them what is forbidden? *Baba Metsia* 70 a.

### Herr Rohling teaches:

Rab Jehuda says that Rab said, "Man (i. e. the Jew) is permitted to lend his children and members of his household money on interest so that they may taste the savour of usury". *Baba Metsia* 75a: "*The Talmudic Jew*" p. 68; 69.

Rohling adds that "this is perfidiously calculated to train usurers".

And what is the real meaning of the passage? Rab says, that, for educational purposes, a paterfamilias may lend to his children and household and accept a surplus in order to give them an object lesson of how hard a thing it is to pay interest. Rohling omits the comment of the Talmud on Rab's dictum, viz. "Rab means well, but he is wrong all the same, for it might teach the minors to care for lucre". This clear statement is moreover interpreted by the marginal classic commentary of Rashi (11th century), in the face of which Herr Rohling complains of "perfidiousness"!

He who knew how to discriminate in Egypt between the first-born and those who were not first-born will visit his judgment upon him who lends money on interest to a Jew, and who says: the money does not belong to him but to a non-Jew of whom it is not forbidden to take interest. *Baba Metsia* 61b.

Takers of interest were altogether in the black books of the rabbis who extended the prohibition to pagans also.

### III. The Prohibition of Taking Interest of Non-Jews.

He who does not lend his money on interest never slips, that means, neither to the non-Jew. *Makkoth* 24a.

He that by usury and unjust gain increaseth his substance, he shall gather it for him that will pity the poor. Prov. 28, 8. Who is it who pities the poor? It is King Sapor (a Neo-Persian king who robbed the Jews and distributed their money among the poor). Rabbi Nachman says in the name of Hunna: Taking interest of a Gentile is also forbidden. Then Rabba asked Rabbi Nachman: Does it not say, thou mayst take interest from the alien? (Answer) this means: Thou mayst give interest to the alien. (Question): Does this need permission? (Answer): Certainly, to except thy brother to whom thou must not give any interest.

(Question): I ask thee: We have heard that one may take interest from non-Jews, and that one may give interest to them, and that this is valid also in reference to a "Ger Toshab", i. e., to a non-Jew who observes a moral law? (Answer): It is permitted only to support one's life. *Baba Metsia* 70b; *Yalkut* III, 961.

From this it follows:

(a) that the Talmud explains the Biblical law, "Unto a stranger thou mayest lend upon usury", to the effect that interest may be given to a non-Jew;

(b) that taking interest is permitted only in an emergency, to support one's life.<sup>1</sup>

#### IV. Usury in Rome.

The Hebrew people was, from the very beginning, given to agriculture. The institutions of the Hebrew commonwealth, the theocratic constitution, the unique agricultural legislation, are only thinkable in an agricultural State. All the Biblical feasts of pilgrimage are agricultural feasts. Gideon is threshing wheat when appointed judge and chief of the army; Boas, the progenitor of the dynasty of David, is a farmer; Elisha is appointed a prophet while ploughing with a dozen teams of cattle. That the language of the Hebrews also reveals their original agrarian character is well known to experts.

The Biblical prohibition against taking interest was, as long as the Jewish commonwealth was in existence, practicable and strictly observed. Josephus (*Antiq.* IV, 8, 25) explicitly reports that the Jews strictly observed the Mosaic prohibition against taking interest.

Conditions were different in Rome, the capital of the world. There usury was practised to an enormous extent by all classes of its population.

(1) As late as the 9th century, the Gaon Mar Amram, who lived in Babylonia under the Khalifate, decided that it was forbidden to lend money on interest directly to non-Jews, and permitted it only indirectly by buying goods from them at a reduction. (Frankl, *Sketch of a History of post-Talmudic Responses*, p. 78.)

Even Brutus, before the battle of Pharsalia and his pardon by Caesar whose party he joined, practised usury and was satisfied with four percent per month. Cicero's *Letters* supply us with an interesting report about the money transactions of the patriot and republican hero.

In the year 51 B. C., while he was governor of Sicily, two Romans, M. Scaurus and P. Manilius, called on him with a very cordial letter of recommendation from Brutus. They had a claim of 106 talents against the town of Salamis in Cyprus, and Scaurus asked Cicero to appoint him prefect of Salamis in order to collect the money due to him in this way. This was too much even for Cicero who as a rule was not very considerate towards the "subjects" of Rome. Consequently, he did not confer on Scaurus the desired office, but pressed the Salamines so hard that they declared themselves ready to pay. However, they only wanted to pay the interest at the rate of 12 percent a year, the rate Cicero himself had fixed a short time before for the provinces; Scaurus, on the strength of his bond, asked 48 percent and produced two decisions of the Roman Senate which, especially for this debt, cancelled the legal rate of interest. These special decisions Scaurus had got through the intercession of Brutus!

Thereupon, Cicero suspended his law of interest and imposed upon Salamis the payment of 48 percent a year, and the poor Cypriots had to submit. When it came to calculating the amount due, the Roman creditor claimed almost double the sum which the debtors acknowledged. The latter wished to deposit the whole sum until the accounts were examined and put right; but Cicero, though he found their account correct, did not permit the deposit, in order that Scaurus should not lose the interest while the lawsuit was pending.

Brutus, nevertheless, found that his friend Cicero had proceeded too leniently against the debtors and confessed the truth: the money lent to the Salamines belonged to himself, Scaurus and Manilius were-only straw men. Meticulous Cicero, in his perplexity, wrote long letters to his friend Atticus in which he urgently begged him to make his excuses to Brutus for his in-

dulgence towards his debtors (*Ad Atticum* V, 21). To predispose him still more in his favour, he appointed Brutus' agent prefect in Cappadocia and vexed the king of this little country, who also was a debtor of Brutus, in every possible way.

In this way usury spread even within the new Christianity which, together with the Mosaic Bible, had also adopted the Mosaic prohibition against interest. The works of the Fathers Augustine, Chrysostom, Jerome, as well as the decisions of the first synods and councils, reveal a whole series of instances showing how great the evil had grown. Even the clergy were not behind the laymen in usury, so that at last reprimands and fines for usury, especially of the laymen, ceased altogether. Even Pope Julius I. calls it only a *turpe lucrum*, and Pope Leo the Great lamentingly complains that usury does not cease among the believers. (Neumann, *History of Usury*, Halle 1865, p. 6ff.)

How the prohibition against interest was evaded in the first centuries of the Christian era by the clergy and laymen we learn from positive reports. The debtor had to give the creditor the interest as a present, or goods at very low prices or gratis.

Clergymen took interest in the name of a layman, &c. (Neumann, *l. c.* p. 6).

## V. The Jews in the Middle Ages.

Now, what was the conduct of the Jews in the Dispersion during the first Christian centuries? On this subject the anti-Jewish writers of that time are the safest authorities. (Cicero pro Flacco 28 and de. prov. consul 5. Horatius, Satir. I, 5, 97; I, 9, 68. Juvenal, Satir. XIV, 98; VI, 541. Martial, Epigr. XII, 57, 13; IV, 5, 7 and 12; Tacitus, Histor. V, 3 ff. Plutarch, Cicero c. 7).

Professor Conrad Zacher of Breslau in his essay on *Antisemitism and Philosemitism in Antiquity* (Preußische Jahrbücher. October 1898) writes:

Of the constituents of modern anti-Semitism that of anti-capitalism was absolutely or almost absolutely absent in the ancient era. The charge of usury or of commercial dishonesty was never raised by the ancient



Jew-baiters against the Jews. The dishonesty and commercial astuteness of the Greeks and Syrians were not to be surpassed, and the Romans were not far behind them. As capitalists, the Jews were of little importance both in Rome and in the Hellenist towns. They were agriculturists only in Palestine, in Babylonia and in some regions of interior Asia; outside their own country they were artisans and traders. Some of these became prosperous, even wealthy, but their position in business life was anything but brilliant or commanding. The big commercial and financial interests were in the hands of Roman senators and knights, and, next to these, of Greeks and Romans. The kingdom of the Ptolemies in Egypt was an exception. Here the Jews were countenanced by the rulers, and as merchants and tax-farmers they acquired great influence. This country, consequently, became the parent country of anti-Semitism, and it was only there, and in no other place, that something of racial antipathy was felt, for, outside Egypt, there was no room for this in the cosmopolitanism of the Hellenist States and of imperialist Rome."

The pagan writers of Rome who deride the Jews on account of their religious views, their aloofness, their gloomy piety, and their poverty, nowhere mention usury. The Alexandrian Greek Apion, the author of the first anti-Jewish libel, adduces everything that is likely to disparage the Jews, but he nowhere reproaches them with usury. When the Christian legislation of the Roman Caesars and the Visigoths deprived the Jews of one right after another their unbelief is alleged as the motive, not oppressing the people by usury. Agobard, Bishop of Lyons (9th century), tried to instigate the persecution of the Jews under Louis the Pious, and composed, with this view, "*De Judaicis Superstitionibus*" (Of Jewish Superstitions) and "*De Insolentia Judaeorum*" (Of Jewish Insolence), but among all his charges against the Jews, usury is not found. The History of the Jews in France in the Early Middle Ages incorporated in "*Histoire Littéraire de la France*" (XVIIth volume) proves that down to the ordinances of Philip le Bel the Jews of France practised the same trades and crafts as other Frenchmen.

In Moorish Spain, too, agriculture was the principal occupation and source of income of the Jews. They tilled the soil with the greatest care and, by their devoted labour, transformed bad land into flourishing property. They expended much

energy and large sums on new plantations. The parcelling-out of plots of ground among the members of families won ever new hands for agriculture. The same state of things obtained in France and in Germany down to the 12th century.

Rabbenu Gerson of Mainz (born 1028) repeatedly speaks of vineyards and fields in the possession of Jews (J. Müller, *Responses*, Nrs. 90, 91, 92. M. Hoffmann, *The Money Transactions of German Jews*, p. 4).

Women are mentioned as bringing to their husbands houses and real estate as dowries. A rabbi of Mayence is asked whether it is permitted to sell fields to non-Jews, and he, of course, answers affirmatively. *Responses* of R. Eliézer b. Nathan, p. 53b; Hoffmann, l. c. p. 5).

It was only later when their civil status became more and more unsafe, owing to the constantly threatening persecutions, confiscations, and expulsions, that the Jews were compelled to turn their property into mobile capital, for the ownership of real estate was too conspicuous and could not but provoke their persecutors, while in case of expulsion it had to be disposed of far below its value. In addition, the Church was determinedly opposed to real estate being owned by Jews because it feared that the Jewish landowner might not pay ecclesiastic dues.

By way of compensation, their commercial activity increased. The contemporary historical sources show their trading to have been varied and comprehensive. We meet with the daring seafarer, the steady wholesale merchant, the importer of precious commodities from the East, the smooth courtier who manages the bishop's estates. They trade in money, pearls, metals, wine, horses, grain, fruit, cloaks, sheepskins, etc. by sea and land. Their world-wide commerce is evidenced by the Arabian Ibn Khordadbeh who saw it with his own eyes. They spoke Persian, Arabic, Romanic, French, Spanish, Slavonic. They travelled by sea and land, and got as far as Arabia, India, China. Their knowledge of the world and of languages was employed in the diplomatic service. See Aronius, *Regesta*; M. Hoffmann, l. c. p. 7.

As to Germany during the early Middle Ages there is an instructive book by Professor Dr. Henry Boos, *History of the*

*Civilization of the Towns on the Rhine from the Beginning to the Present Day with special regard to Worms.* Therein one reads:

It is highly significant that, among the inhabitants of Worms who benefited by exemption from duties, the Jews are first mentioned (*Judaei et ceteri Vormatinenses*). Not without reason. For the Jews were an important, nay, an indispensable element of the then town-population. They above all the others were merchants, and, as such, in the charter given by the emperor Otto I. to the town of Magdeburg, on the 9th July 965, they were placed before the Christian merchants. In the 10th century Jew and merchant were synonymous.

In 1250, Archbishop Conrad of Cologne pleaded for the good treatment of the Jews so as to keep them in the city and still more to encourage new-comers (Aronius, l. c. 588). The towns of Augsburg and Regensburg explain that they extended protection to the Jews, "because they are useful citizens and indispensable to the people" (Falke, *A History of German Commerce*. Leipzig 1859. P. 295; Hoffmann, l. c. p. 86.)

Exceptionally instructive is the document which Bishop Rüdiger drew up in 1084 in favour of the Jews. From former documents it is well known that, outside the walled old town of Speyer, there was a village which belonged to the jurisdiction of the town. There, as in Strassburg and Cologne, merchants, Jews among them, had settled. The said bishop Rüdiger declared his intention to make the village into a town, and that he had enhanced the repute of the place a thousand times by settling the Jews in this suburb. He wishes to surround it with a wall, so that they should not be disturbed by the insolence of the mob. The land for this settlement the bishop acquired partly by barter, partly from the townspeople who made him a present of it, and he now presented it to the Jews subject to their paying a yearly tribute of  $3\frac{1}{2}$  pounds of Speyer coin for the benefit of the chapter of the Dome. At the same time, they are permitted, within their settlements, in the region between these and the harbour, in the harbour itself, and throughout the whole town, to change freely gold and silver, and to buy and to sell whatever they wish. Besides this, they received from the church property a burying place as hereditary possession and the right of harbouring foreign Jews free of duty; their archisynagogus was

granted a jurisdiction such as the *Tribunus Urbis*, i. e. the mayor, had over the citizens; in difficult cases they are asked to appeal to the bishop or to his *camerarius* (chamberlain). The service of watching and safeguarding they had to do only within their own district, and in case of defence they acted together with the bishop's men. They were permitted to keep Christian nurses and servants, and to sell unritual meat to the Christians. Lastly, as the highest mark of his goodwill, the bishop grants them the best 'Law' that the Jews possessed in any town of the empire.

But times changed for the worse. Efforts to stir up anti-Jewish feelings were successful at last, and vast sections were infected by them.

By the end of the 14th century, the Jewish commercial activity was over. "It is provided that no Jew shall do any trade here", says the *Nürnberg Jews' Order*.

The historian of German law, Professor Stobbe in Leipsic, says in his book, *The Jews in Germany during the Middle Ages in Relation to Politics, Sociology, and Justice*, p. 105:

The whole development of trades and guilds excluded the Jews from taking part in trade and commerce, and they had no choice but to live by petty traffic and usury, for the medieval State left them no other sources of income. (Likewise Neumann, *History of Usury*, p. 305 ff.; Wurfel, *Vees*, Nürnberg, 1775, p. 27; Privilege for Oldenburg of the year 1365.)

The Jews were not only excluded from offices, landed property, guilds and commerce, they were simply trained for usury by being patronized in this profession and receiving 'Privileges for Usury'. Characteristic of these is the 'privilege' of Frederic III. of 1470: Trade and commerce cannot exist without usury and interest, therefore one must choose the lesser evil, and permit usury to the Jews who live outside the Christian community.

The canonical prohibition of interest was no longer practicable under the advanced economic conditions, and as the ecclesiastical law did not permit the taking of interest to the Christians, the despised Jew was trained for this profession.

The law for Regensburg of 1392 permitted them to take 8623 percent, the decree of the assembly of the Town in Mayence of the year 1255, 43½ percent, the law of King Henry 65. Even

the Prussian common law gives them privileges with regard to the rate of interest.

Many governments pursued by this the policy of letting the Jews, like leeches, suck their fill in order to deprive them of the money afterwards by contributions. This accounts for the fact that very often reigning princes applied to the emperor for the privilege of "keeping" Jews. "Just as a villager tries to guard his cattle from every harmful influence in order to derive a greater profit," says Stobbe (p. 14), "so the emperors and, in their turn, the princes protected the Jews, in order that their productivity might not suffer." The Jews were made use of as scape-goats; secular and ecclesiastical authorities, up to the emperors and princes, town corporations and private persons of every status used them for supplying their financial wants. The ecclesiastical and temporal lords, on the other hand, granted them also the privilege of asking interest on loans without molestation—in their own behalf. For the Jews, together with their property and their outstanding debts, were the exclusive property of the sovereign!<sup>1</sup>

That nowadays the prohibition against taking interest from non-Jews is not observed is due to the many high taxes which we must pay to the sovereigns and princes, to be allowed to live. We live among the nations and are denied every other livelihood. The Tosaphist on *Baba Metsia* 70b.

Mammon never was a "God" to the Jews of the western regions, only an effective amulet, a talisman, a protection in their precarious status. For a time their lives were spared because they were wanted to amass much money, they were burnt then at the stake for the sake of their property. The East could not but become pauperized because, there, wealth was the sure precursor of downfall. Sultan, pasha and cadi found subterfuges enough to ruin the rich man and to rob him. People no

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(1) J. E. Scherer, a Christian scholar, in his book *The Legal Status of the Jews* (Leipzig 1901, p. 196) adopts the verdict of Bedarid. Les véritables usuriers ce n'étaient pas les juifs, mais c'étaient les rois et les barons qui s'approprièrent leurs rapines. Scherer adds: "The odium of usury fell to the Jews; its advantages were usurped for the most part by the Christian men in power."



longer had any incentive for acquisition, for poverty at least safeguarded their lives. How, then, are we to account for the fact that the medieval Jews, whose tenure was so unsafe and who had to look forward to the worst every day, were able to develop their acquisitiveness and to amass riches under the eyes of the enemy and in the midst of a thousand dangers? "This is a miracle", a professor in the university of Erlangen told his students, "one greater than Moses ever brought to pass", and he pointed to the representative of mobile capital, of Jewish prosperity, in the shape of a Jewish pedler who was offering his wares in the houses of the small town.

The Jew was not permitted to take refuge in poverty. He was compelled to amass and acquire without intermission in order to satisfy his insatiable patrons, ecclesiastical and secular princes, who admitted him to their territories in order to use him as an instrument of merciless exploitation.

During the Days of Mourning after the death of a relative, when only such business is permitted the neglect of which would entail other losses, the *Shulchan Aruch* permits lending on interest to a non-Jewish customer, in case the customer would otherwise go elsewhere. *Orach Chayim* 539, 13.

The forger Justus *Law* 99. paraphrases this: "For it is a good work which he cannot retrieve".

On semi-holidays work and business are permitted according to the Bible, but the rabbis prohibited some sorts that are not urgent; among the many permitted occupations, is the business of lending on interest. The erudite author of the *Jewish Mirror* added, by way of commentary, in the first editions, "that practising usury on the Christians is ever acceptable to God". In later editions, he gave it another wording: "Because the transaction would be lost to the Jew, i. e. the Christian might get the money from a Christian and thus escape the Jews".

The *Shulchan Aruch* is obviously innocent of these fabrications. The simple reasoning is: Money-lending is not hard physical work, and is, therefore, not forbidden on semi-holidays.

Life was often one of the determining factors of the *Halacha*,

and there was an attempt at making a virtue out of a necessity and to represent what was dictated by the circumstances as meritorious.

It is permitted to lend money to and borrow money from idolaters and the "Ger Toshab" on interest; it says, Unto a stranger thou mayest lend upon interest; but unto thy brother thou shalt not lend upon interest. Therefore it is commanded to lend money on interest to the idolater. Our sages have forbidden the Israelite to take more interest from the idolater than is absolutely indispensable to support life. Maimonides, *Mishne Torah*, *Malve* 5, 1.

In a marginal note, the well-known Rabbi Abraham ben David of Posquières, "the great teacher of the Law" as he is called by Maimonides himself, refutes this on the spot. He declares this to be opposed to the Talmud and Tradition.

Rabbi Menachem Azarya of Fano remarks in a Response.

In the words of Maimonides, 'It is commanded to lend money on interest to the non-Jew' the stress is to be laid on 'lend'. The non-Jew also must be assisted by a loan, only one need not do it free of charge, but is permitted to take interest. This, then, is proved from the Talmud. *Responses* of Rema, number 113.

It is better to charge interest than to refuse any loan to the needy.

The law permits the taking of interest only from an alien who is an Akum and not bound by the moral laws of the seven Noachian laws. Albo, *Ikkarim* 3, 25.

The *Shulchan Aruch*, *Yore Deah* 159, 7 says:

According to Scripture, one is permitted to lend money on interest to the idolater, but the wise (Talmudists) have forbidden it, so long as the conditions of life do not make it necessary.

Rohling, in justification of his charges, refers to Bachia on the Pentateuch and to Abarbanel's commentary on the Bible. The wording of the two passages runs thus:

The opinion of Maimonides is that it is a commandment to lend money on interest to an idolater; others say that it only is an expression of permission.

Our sages have permitted the taking of interest from idolaters in so far as the support of life makes it necessary. In *Sifre* it says: The taking of interest from an idolater is a commandment, but it is not to be interpreted to mean that it is a duty to take interest from him, but the commandment applies to not taking interest from the Jew.

Similarly it says of the words, These ye shall eat of all that are in the waters (Deut. 14, 9) (namely the clean animals on the land and in the water), that this also is a commandment. Nevertheless the eating of clean fish or of land animals is not at all a religious commandment. "Unto thy brother thou shalt not lend upon interest" our sages explain in this way, that the commandment applies to all who practise the works of thy brother, in order to extend it to the proselytes from whom interest must not be taken, and to the descendants of Noah as well, &c. Bachia on the Pentateuch, *Ki Thetse*.

Rohling, according to his wont, distorts this passage in the following manner:

From this essential distortion of Scripture there was only one step to the illegal screwing-up of the rate of interest in the case of mere consumption, as well as in the other case, when the lender had given together with the loan also a surplus. The famous Bechai betrays in one passage that one was conscious of Moses having repudiated unfair interest, for Bechai writes, The rabbis, blessed be their memory, said, one is permitted to take only as much interest from the Goy as his (the Jew's) livelihood required. (On Pentateuch 213, 4, Thetse); but, possessed by the spirit of contradiction and conscious of his own infallibility, the same man says about the apostate Jew, consequently about the non-Jew in general, to whom the old Jew associated himself: His life is in thy hand (O Jew), how much more his money (ibid. 214, 1) which evidently legalizes the unlimited interest, nay theft and robbing, since it absolutely declares life and property as fair game. *The Talmudic Jew*, p. 68.

There is, of course, not a word of all this in Bachia.

The book *Sifre* teaches that it is a commandment to take interest from the alien, which was also the opinion of Maimonides and Levi ben Gerson. But the Talmud decides differently, for the treatise *Baba Metsia* says, it is not a commandment, but the permission to support life, and all the judges and teachers of law followed this opinion of the Talmud.

In confessing that the taking of interest is in itself nasty, it is only permitted with aliens. But every non-Jew is not an alien, but only those who are strangers to God in heaven, the apostates, and those outside all religion. But the descendants of Edom are not called aliens but brothers, as it says in Deut. 23, 7: "Thou shalt not abhor an Edomite; for he is thy brother." The prohibition of taking interest from a brother, consequently extends to him also. Likewise the Ishmaelites, Mohammedans, and the other nations are no strangers to us either. But to take interest from those aliens of the seven Canaanitic peoples on whose destruction Holy Scripture insists, there is nothing strange in that. Abarbanel in the commentary on Deut. *Ki Thetse*).

From this follows:

(a) that the opinion of Maimonides, according to which, the taking of interest from the alien is a commandment, has been generally repudiated;

(b) that even Maimonides only permits the taking of interest from the alien in case of emergency, i.e. for one's livelihood, in which he agrees with the Talmud and all the others rabbis.

The struggle against the demands of the cruel facts was in vain, and one tried solely to soothe the conscience. In no other way than by usury could the Jews keep their lives.

Archbishop Béranger of Narbonne was branded by Pope Innocence as a man whose God was his money, and who sucked out of Jews the blood of Christians (Innoc. Reg. lib. III, cap. 24).

Men of rank traded in Jews among themselves in order to use them as means of extorting, like a sponge that is put into water, and squeezed. Secular and ecclesiastic princes competed in every kind of extortion. Just as the cat is suffered to go hungry in order to exterminate the vermin, so the Jews were imprisoned directly they were suspected of having some money.

"It is the custom of the lords," complained a Jewish author of the 13th century, "that they ask from the Jew ten times as much as he possesses in order to frighten and harass him so that he makes haste with the ransom. M. of Rothenburg, *Responses* number 305.

"They prefer to kill the Jews," says another of the same time, "to setting them free gratis."

Once there was a delay in redeeming a Jew, and the "lord" who kept him a prisoner said: "He is dead; I ordered his corpse to be thrown before the dogs". Or *Zarua* 76.

The Jews, consequently, had to strive for money in order to save their lives and liberty. Bishops took their Jews with them when they went to court, to be on hand when they needed money; but when it was to be paid back they often made difficulties, denied the loan, or refused to pay it back (ibid. 253).

When Pope or Emperor wished to confer a favour on one of their followers or reward some service, his debts to Jews were cancelled. Such favours may be found in great number in Stobbe, l. c. 250, Hoffmann l. c. p. 104. Thus the money transactions of the Jews were attended by thousands of risks.

"And therefore they the Jews must practise usury, and this is their living; but the usury of the Christians is not their living, in them it is only greed and heinous wickedness," wrote the Town Recorder of Eisenach, John Purgoldt. Stobbe, *The Jews in the Middle Ages*, p. 108.

From the reign of king Wenceslaus on, the Jews were treated like a moneybag that is emptied as soon as the contents were believed to be worth the consideration.

And this was the only protection on which this unhappy people could rely, for just as in Schaffhausen (1401) and Budweis (1504) all the Jewish inhabitants had been burnt, there were negotiations about it in Frankfort as well (1516), until the ambassador of Fulda interferred and remarked that such burning would injure the treasury of his master.

The Bishop of Augsburg solicited the Emperor Charles IV. for the privilege "to receive and harbour Jews" — of course, not from love of the Jews but for using them as a sponge. On the solicitation of the Archbishop Gerlach of Mayence, Charles IV., in the Reichstag of Nuremberg (November 1356), granted to all the Electors, in the "Golden Bull", the privilege — besides the royal prerogative for ore and salt-mines — of keeping Jews, i. e. he ceded them this source of riches as well as the other one, — the ore and saltmines.

When the Jews asked Henry III. to spare them, as they had no more to give, he replied: "You must not be astonished if I ask for money, but it is horrible to think of my debts. I must get money, no matter from what source."

Under the date of 1180, a chronicler of Philip Augustus, the King of France, writes: "The Jews were taken prisoners on the Sabbath, though they had done nothing to offend the king, and not till they had paid a ransom of 15000 gold-marks were they set free and could breathe again". Philip le Bel had picked out the 22nd of July, the day of Mary Magdalen, which that year concided with the ninth of Ab, to confiscate all the possessions and money of the Jews.

On the 19th of May, 1479, the Bohemian King Wladislaw published an edict concerning the Jews together with a privilege of usury (Palacky, *History of Bohemia* V, I, p. 445). The king



justifies his granting a higher rate of interest to the Jews, as follows:

- (1) The Jew must first do his duty towards us;
- (2) he must pay the lord to whose protection he has trusted himself;
- (3) he must pay the interest as well;
- (4) there hardly is an office which he makes use of that lets him off gratis, and lastly, he must have something in order to be able to live with his wife and children.

## VI. Christian Usury in the Middle Ages.

He who goes to documentary evidence for a History of Usury will hear no end of complaints about the Christian usury being far more cruel than that practised by Jews.

When, in the year 1146, St. Bernard of Clairvaux, during the second crusade, counseled against persecuting the Jews, he insisted that the Christian usurers who, properly speaking, could not be called Christians, were far worse than the Jews. (Hahn, *History of the Heretics*, 111 p. 16; Neumann, *History of Usury* p. 292ff.)

The same thing was said repeatedly by the barons. (Deping, *Les Juifs au moyen âge*, p. 124.)

The theory of Lamprecht that in Germany money-lending was practised until the 12th century by the clergy, in the 13th by citizens and noblemen, in the 14th by the Jews, may be inaccurate as to the dates, but it is correct in that the Jews were only one agent, among many, serving the same purpose.

The Bishop Hermann of Bamberg was charged by his clergy before the Pope of engaging, more and more eagerly, in the practice of money-lending and usury which he had learned in his youth. The same applies to the nobles. Commerce and money transactions, it is true, were, in the Middle Ages, considered beneath a nobleman. All the same the nobles utilized their capital and the surplus of their estates for their own benefit and for exploiting the economically weaker classes, in particular the yeomen and, for a time, also the rising towns.

The Paris Synod of 829 A. D. complains that the landed nobility oppress the small holders by extortion and usury to such a degree that nothing of their vineyards is left to them. "They take advantage of their distress and purchase their country produce at the third part of its real value".

And the citizens, too, had a large share in the money business. Convents and chapters, when in need, apply to town capitalists. Bishops and archbishops have recourse to them when they need money for their elections, for warlike expeditions, or for their journeys to Rome. The borrowing student is not absent from the picture. High gains were realized in these transactions. But in all these cases, frequent as the loans were, no regular and professional business was done. This was practised by the bankers, Lombards and Jews.

And yet, whenever there is the question of money lending and usury during the Middle Ages, one generally mentions the Jews and their trade. This is due to the fact that only the Jews practised their moneylending business openly, that they were freely permitted to pocket their legally fixed interest, while the other money-lenders were compelled, through the ecclesiastic legislation which punished the taking of interest severely, to cover up their dealings in order to circumvent in every possible way the economically untenable prohibition.

After the great plague in the middle of the 14th century, when, in Germany and Switzerland, the Jews were accused of well poisoning, and consequently were robbed and murdered, the inhabitants of Pisa, as a suitable means of enhancing trade and increasing the population of the city, invited Jews, to whom they granted many privileges. Thus, for instance, the great council of the commonwealth of Pisa, by the decree of the 28th June of 1354, granted the Jews complete exemption from all burdens, taxes and personal services. They were not to be oppressed or vexed by officials and were to enjoy complete liberty.

When, in the year 1399, Pisa came under the rule of the duke Galeazzo, Viscount of Milan, his governor, the Bishop of Veltre, made an agreement with recently immigrated Jewish money-

lenders. Among other things, undisturbed Sabbath observance was promised them; they were relieved from wearing the Jewish badge, and able to acquire the status of citizens;  $2\frac{1}{2}$  percent a month was fixed as the maximum rate of interest. The Jews in Perugia and Siena were granted similar privileges. It was not a rare phenomenon for Christian money-lenders and money-changers to lend money at a rate of interest of 32 to 108 percent, or to be found guilty of the abuse of pushing up prices. They bought up grain and wheat in order to bring about an advance in prices. In the 14th century, regular societies for this trade, in which Jews had no share, were formed. One lent money before the harvest and the vintage in order to get the fruit cheaper at harvest time. Even the clergy took part in these transactions.

Roscher attributes to the Jews a threefold service in quickening the economic development in the Middle Ages. "To them is due the introduction and frankly consistent carrying out of interest on capital without which there would be no credit, no formation of capital, and no division of labour. It was to their business methods that the protection of the bona-fide possession of fairly acquired property was granted. And they share with others the merit of having introduced and propagated the bill of exchange."

Trade and commerce, on the contrary, were fatally prejudiced and the whole prosperity of nations undermined by the non-Jewish Societies for buying and pushing up prices, the Höchstetters in Augsburg who in the year 1529 failed for a sum of 800000 gulden; of George Neumayer who, in the year 1572, cheated his creditors of 200000 gulden; the brothers Manlich who, two years later, declared themselves bankrupt with liabilities of 700000 gulden; of the "Thuringian Pepper Trade Society in Leipsic" whose silent partners were the Elector August of Saxonia as well as the kings Sebastian and Henry of Portugal, and whose extortionate exploitation brought unspeakable misery on Central Germany, &c. The list of these non-Jewish companies of exploiters might easily be increased by dozens of names.

As for the island of Sicily, from which the Jews were expelled, Mrs. Jessie Willario, an English authoress, writes: Since the bigot Ferdinand expelled the Jews from the island, to the regret of the whole population which was neither exploited nor oppressed by them, the poor island has been consumed by Christian harpies who with unparalleled insolence fleeced prosperous people as well as poor workmen.

In a similar vein, the preacher George Scherer who lived about the end of the 16th century and was a member of the order of Jesuits, in one of his sermons (reprinted in Jannsen's *History of the German Nation VIII*) tells his Christian audience:

We tear and bite, and flay and shave, and press and squeeze one another that it is a shame and disgrace. One sets upon the other with usury as the hounds do the game; the Jews are much more merciful and compassionate towards each other than we Christians who boast of baptism and the true knowledge of the Holy Gospels. Through damnable usury we cheat our fellow-Christian out of hearth and home, of everything he possesses; the usurers are trained to it. I know a usurer who takes for one gulden five pence a week, that makes not more than 105 a year. Out upon him! Another lends one 1000 gulden, but he only gives 500 gulden ready money, and this in such coins that the borrower must lose by them; the rest he gives in spoiled goods appraised at their dearest, in cloth spoiled by lying about, in dubious bills, in sour wine, in lame horses, &c. All this he adds to the principal sum, and reckons 8 or 10 per cent in the price. Is not that an un-Christian and fiendish usury? They do it openly and without fear and under the eyes of the great princes and gentlemen, they sit in high offices and wear gold chains. These great thieves have the little thieves hanged, just as if only petty theft were forbidden, and not much more so public robbery and usury. By severe statutes the Jews have been forbidden to take usury, but the Christians surpass the Jews in money-lending and usury, and prick people more strongly with the Jewish pike than the Jews themselves who, years ago, were compelled to wear yellow badges.

Another Catholic preacher, in the year 1585, said:

But with the Christians, as many philosophers would have it, one is to deal softly when usury and usurious parasites and contracts are mentioned; only the Jews are to be defamed, trampled upon, they are to be overwhelmed by misfortunes, and spat upon as enemies of God and mankind. By your leave, Mr. Neighbour and Christian usurer, in my opinion the baptised Jews are much worse and deserve severer punishment than the unbaptized ones; and the wicked vice of usury which

passed from the Jews to the Christians is much more ardently practised by the latter than by the former.

This usurious practise was reflected in the growth of the capital of several big firms. The fortune, for instance, of the house of Fugger which certainly was piously devoted to the Christian Church increased once, in the course of 7 years, only by about 13 millions. It is true, however, that this pious Christian house was once fined 60,000 gulden by the Archduke Ferdinand, because it put into circulation clipped coins of base alloy; another time it was willing to grant a loan to King Henry VIII. of England only on the condition that he would buy jewels for 100,000 gulden at the same time.

In the year 1420, the council of the city of Florence, in order to reduce the then enormous rate of interest, called Jews into the towns who pledged themselves to adhere to a moderate rate of interest (Mertens, *Origin of the Law of Exchange* I, § 13; Neumann, p. 321). Christian authors readily admit that in the heart of the Jews the voice of mercy is never quite dumb (Huellmann, *The Township in the Middle Ages*, II, p. 56ff.).

Even a decree of the Vienna Court Chancellery of September 27, 1612, gives the Jews their due in this respect. In this decree, which is kept in the archives of the former Vienna Imperial Ministry of Finance, it says, that the Jews, though they are charged with sundry usuries, are still more useful than the Christians among whom such usurious extortion was spreading that, by it, each and every one, of high and low social status, are burdened. (G. Wolf, *History of the Jews in Vienna*, 1876, p. 41; Güdemann, *Social History* II, pp. 71; 243.)

When Ferdinand the Catholic decreed the expulsion of the Jews from Spain, Sicily, Aragon, the prominent officials and functionaris who formed the high royal council of Sicily which was presided over by the great judge, Tomaso Moncada, united in an effort secure a postponement, and addressed an urgent remonstrance to the king. There is a passage in it, concerning the Jews as handicraftsmen, which runs as follows:

Another difficulty which would result from a precipitated departure of the Jews lies in the fact that in this empire almost all the artisans are



Jews. If they leave all at a time the result will be a shortage of hands able to supply the demand for mechanical objects, especially of iron implements for the shoeing of horses, for agriculture, for the furnishing of ships, galleys, and other craft; also it is impossible that there should be a sufficient number of Christians in such a short time for the making of these necessary utensils, and, apart from the inconvenience that these indispensable objects will not be obtainable, the prices for them will be pushed up by the few persons who may be able to manufacture them.

The original of this document is printed by La Lumia. *Gli Ebrei Siciliani* (Palermo 1870) p. 38b and 50, reprinted in N. Brüll, *Annual for Jewish History and Literature*, V and VI, p. 106.

Nay, the citizens of the town of Palermo addressed a petition to the king which in urgency came near being a protest, and in which they bluntly declared:

The charge of usury is unfounded. In this respect the Jews give no ground for complaint. (La Lumia II, 39).

These documents were characteristically left unused by the older historians, and it needed a modern liberal Italian to bring them to light. To sum up: The Jewish usury in the Middle Ages may be deplored, not condemned.

The well-known theologian John D. Michaelis had to admit in the year 1783 "that the spirit of usury of the uncircumcised Jews greatly surpasses that of the circumcised" (*Göttinger Anzeigen* 1783, p. 1655).

## VII. Jews and the Common Welfare.

A special inquiry into the influence of the Jews on the prosperity of the rural population was made by the *St. Petersburgskaja Wjedomosti* at the end of the past century, on the basis of the official returns of the Russian empire, covering the years 1885–1889, and the result was summed up as follows:

According to the official statistics of the Land Mortgage Bank for the years 1885–1889, the peasants, by the help of this bank, bought in the 15 districts of the Jewish Pale 470,299 desyatines of land, in the 31 districts outside the Pale 698,307 desyatines. Within the Pale the price of the land amounted to 23,496,675 roubles, in 26 other districts to 26,789,655 roubles. The peasants paid on account within the Pale out of their own

pockets 5,154,560 roubles, in the other districts 4,081,709 roubles. From these numbers it follows: (1) The land which the peasants within the Pale acquired during those 5 years stands in proportion to that which they bought outside the Pale, with the help of the bank mentioned above, as 672 to 1000. (2). On the other hand, the price of land within the Pale in proportion to that of the remainder of the land was 877:1000. (3). The sum of the payment on account within the Pale stands in proportion to the sum of the payment outside the Pale as 1262:1000! Now let us consider the number of tenants who live inside the Pale in comparison to the number of tenants outside the Pale! According to the returns published by the office of statistics for the years 1884 and 1885, the number of peasants within the Pale amounted to 22,904,103 in the year 1885, the number of the rest of the peasants was 39,258,982. Thus the number of the former stood in proportion to the number of the latter as 583: 1000. From thist it follows that the price as well as the payment on account within the Pale of settlement were considerably higher compared to the price and the payment on account without the Pale. We shall do well to analyse the meaning of these returns. As the number of the peasants within the Pale stood in proportion to the number of the others as 583: 1000 the former should have bought only 407,463 desyatines of land; but in reality they bought 470,299 desyatines, or 62,836 desyatines more. According to the calculation by which the price for the land outside the Pale amounted to only 26,789,655 roubles, the price of the land which the peasants bought within the Pale should have been only 15,618,369 roubles; in reality, it amounted to 23,486,795 roubles. Likewise, as the peasants outside the Pale paid only 4,081,709 on account, the peasants inside the Pale should have paid only 2,379,036 roubles; but in reality they paid 5,154,560 roubles, consequently 2,774,524 roubles more. These numbers prove conclusively that the prosperity of the peasants within the Jewish Pale of Settlement is very much greater than outside it, i. e. the Jews not only exert no injurious but an absolutely beneficial influence. This is corroborated by a comparison of the taxation

within and outside the Pale. Here, too, the former is superior to the latter. According to the official reports of the Ministry of Finance for the years 1885 to 1889, the arrears of direct taxes within the 15 districts of the Pale of Settlement amounted to 36,041,590 roubles, while, in the rest of the districts, they amounted to 237,984,798 roubles. These figures are instructive enough. Estimating these arrears on the ground of the statistical returns per head of the entire population in the two regions, in the 15 districts of the Pale of Settlement 26 kopeks fall to the share per head, in the other 25 districts 83 kopeks per head, a ratio of 1:308. In other words: the arrears of taxes outside the Pale of Jewish Settlement are thrice as great as within it. Lastly, the superiority of the Pale of Jewish Settlement is reflected also in the morality returns, which depend not only on the climatic and sanitary conditions, but also on the degree of prosperity. According to the official reports of the Public Health Office, the death rate per 1000 inhabitants in the 15 districts within the Pale of Settlement, is 29.8, while in the rest of the districts, the rate is 35.6 per 1000 inhabitants. This, surely, is a striking difference to be found nowhere else in the world between the individual parts of one and the same country, with equal living conditions.

Thus the official statistics of the government of the Czar proved, from a threefold point of view, the significant fact that the prosperity of the non-Jewish population was substantially greater in those parts of the empire which were open to the Jews than in the parts forbidden to them. The statistical figures compiled in Professor Subotin's book "The Jewish Question in the True Light. Investigations by J. S. Bloch. St. Petersburg, 1903" show the same result. Besides, the figures prove that the peasants in the Pale of Jewish Settlement are morally superior, that grave crimes, such as drunkenness and other consequences of poverty, are much rarer in the Pale of Jewish Settlement than in the rest of the Russian empire.<sup>1</sup>

(1) Count Tolstoy said: "From a child I have been living in a Russian village and never have I seen or heard anything that might justify the suggestion that our peasants have a feeling of animosity against the Jews, be it against their religion or against their race" (*Siècle*, May 14, 1906).

In Belgium, there was only one Jew to every 1800 inhabitants; notwithstanding this, the law against usury which had been abolished in the year 1847, had to be reenacted in the year 1859. In Norway, there were no Jews at all, and yet the State held the opinion that it could not exist without laws against usury.<sup>2</sup>

(2) The charge of usury was ever a pretext, not the cause of persecutions. In the Debates of the Galician Diet of 1868, Franz Smolka, later President of the Austrian House of Deputies, said in his speech of Sept. 30 that "for centuries there had been none but Jewish handicraftsmen in the villages, that you had to go to the Jews when you wanted a suit of clothes, a *czamara*, a *kontusz*, a fur-coat, a cap, glass, or locks, clocks, etc. Only of late years this state of things had changed in favour of the Christians" (*Österr. Wochenschrift* 1887, p. 648).

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## CHAPTER VIII.

### SACREDNESS OF HUMAN LIFE.

#### I. Bloodshed one of the Deadly Sins.

In *Aboth de Rabbi Nathan*, maxims are transmitted which praise the dignity of human nature and the sacredness of human life in solemn words. There it says (39):

One single human being counterbalances the whole work of creation. Preservation and destruction of a single human soul are equal to preservation and destruction of the universe.

Nothing was so abhorrent to the ancient Jews as the sight of the Roman popular amusements with their gladiatorial fights, their butchering of captives by wild beasts. Even the friend of the Romans, Josephus Flavius, called it an abomination to have human beings torn by beasts for the pleasure of others (*Antiquities* 15, 8; Ratzel, *Völkerkunde* 2, 594).

The Jews were forbidden to attend the circus, unless there was a chance of saving someone by shouting, (*Aboda Zara* 18b), and to sell bears, lions, and similar beasts to pagans (*ibid.* 16a) on account of the sanguinary Roman sports. They were not allowed to help in building a circus or in erecting a gallows.

The élite of the pagan world found nothing to protest against in the cruelty of the gladiatorial fights. Roman philosophers were not revolted by them.

The rabbis prohibited the killing of embryos (*Sanh.* 55a); in Rome it was customary to kill children in the womb (*Juvenal, Sat.* 6, 595).

The Jewish law against killing new-born children was a great surprise to Hecataeus and Tacitus (*Reinach, Textes* 19, 7).



This Jewish view, it is true, does not tally with the ideas spread in the anti-Jewish circles of Germany.

The leading Berlin anti-Jewish organ, the *Staatsbürgerzeitung*, for instance, published an article in the year 1912 headed "More Brutality!" which in its essence ran like this:

Uncounted millions of marks are lost every year to the German national wealth. Lumps of flesh that have got nothing human about them, where no expressions of feeling reflect any soul are painfully kept alive. Instead of helping to create values, worthy people think it meritorious to suffer values to be consumed in Homes for Cripples, and in Asylums for Idiots . . . In face of this, the cry must be: More brutality! It may seem hard and brutal to a family which has such a stricken member, to demand its destruction. But consider whether the commonwealth or even the family would be injured or benefited by its non-existence. No body, neither parents nor brothers nor sisters, have the right to protect decaying life, rather have they the duty to promote the growing one. State, law, right and morals must change, the doctor must be given the authority to exterminate, or mankind must degenerate, owing to the consequences of over-civilization and misguided pity.

To the "lumps of flesh" whose extermination the cultured anti-Semite demands belong also the cripples; now scan the history of civilization: Milton was blind; Beethoven was deaf; Spinoza and Schiller were consumptive; Helmholtz was markedly hydrocephalous; Darwin was an invalid all his life, as was also Kant; Treitschke, the great historian and the highest authority of the anti-Semites, was entirely deaf in the last decades of his life; and Helen Keller, the famous American authoress, is dumb and blind. In the Jewish view of life, every single human life is as sacred and significant, as if for it alone the universe had been created.

Among the three most serious capital sins against the Jewish religion the Talmud counts the crime of "bloodshed".

Rabbi Jochanan said in the name of Rabbi Simeon, the son of Jehozadak: They were counted and resolved (i. e. they resolved by a vote 'of majority') in the upper story of the house of Nithsa in Lydda: Of all the transgressions which the Torah states (the following applies): If one say to a man (i. e. to an Israelite): Commit a transgression lest thou be killed, he may in order to save his life commit all the transgressions except idolatry, fornication and bloodshed. (In these cases he must prefer death). If a Goy orders an Israelite to offend

against one of the commandments recorded in the Torah he may do it in order to save his life, except idolatry, fornication and bloodshed."

So states the Jerushalmi *Sanhedrin* 6, 3, fol. 21a (N. and W. 92). Essentially the same thing is stated in *Ketuboth* 19a. Likewise it is permitted to do everything in order to cure one's illness except these three gravest crimes. Jerushalmi *Aboda Zara* 2, 2 fol. 40b. *Pesachim* (Babli) 25a (also in the name of Rabbi Jochanan). These ordinances are very old: they are emergency laws of the time of the terrible Hadrianic persecution.

The law quoted is of undisputed validity, contested by nobody, and is appealed to as a fundamental ordinance.

The law term "bloodshed" is very comprehensive and cannot in itself be narrowed down to the murder of a Jew only. This expression is used deliberately (*Sanhedrin* 74a).

Exile and captivity are inflicted on a people in case it contaminates itself, be it by idolatry, or by fornication, or by bloodshed. *Pirke Aboth* V, 9.

Why has the first temple been destroyed? On account of idolatry, fornication and bloodshed. *Yoma* 9b; N. and W. 93.

On account of the guilt of bloodshed the holy temple has been destroyed and the Shechina (the proximity of God) withdrawn from Israel. *Sabbath* 33a.

Of the lawgiver Moses, Holy Scripture reports as follows:

And he spied an Egyptian smiting an Hebrew, and he slew the Egyptian and hid him in the sand (*Ex.* 2, 11; 12.)

Moses had come to the assistance of his assailed brother, and had acted in self-defence. The one killed was an Egyptian who enslaved Israel. Notwithstanding this, the rabbis do not hesitate to declare that this deed of the lawgiver was a culpable one for which God inflicted exile upon him. Therefore he had to wander about in the desert for decades, to expiate his sin, before he was worthy again to take upon himself the Divine mission.

Moses who killed the Egyptian committed a sin, and banishment is inflicted on him. This is also to be found in Deut. 19, 4: "which (namely the slayer) shall flee thither" (into one of the towns of refuge). The word "thither" (Shin, Mem, Hai) has the same letters as Moses, (Mem, Shin, Hai) *Yalkut Chadash* "Moses"; N. and W. 95.

And Moses, who killed the Egyptian, committed a sin by it, and was sentenced to banishment. Therefore Scripture says: "which shall flee thither" (Deut. 19, 4). The word "thither" (Shin, Mem, Hai) has the same letters as Moses (Mem, Shin, Hai). *ibid.* 104.

If Ruben (a Jew) wishes to kill the non-Jew, and this one does not wish to kill Ruben, then Simon (another Jew) shall unite with the Nochri for the defence of the latter). *Sefer Chasidim* 1018; N. and W. 95.

## II. Secular Punishment of Murder.

The Jewish lawgivers were strongly opposed to capital punishment; all their rules concerning penal jurisdiction were calculated to make a sentence of death impossible.<sup>1</sup>

The Biblical law ordains capital punishment for certain crimes, as murder, abduction, adultery, violation of the Sabbath. Now, the law could not be abolished; the principles of the Jewish faith gave the rabbis no authority to do that: they may interpret the Biblical law, they may make regulations as to its being carried out, but they cannot annul the law. These regulations were such as to make a sentence of death an impossibility.

A Synhedrion which in seven years pronounces one sentence of death is called pernicious. Rabbi Eliëzer, the son of Azaria, even says, if it happens once in seventy years. Rabbi Tarphon and Rabbi Akiba say: If we had been in the Synhedrion, no human being would ever have been executed. So says the Mishna. The Gemara says that these teachers would have cross-examined the witnesses so precisely that the absolutely consonant evidence of two witnesses against the defendant as required by the law would never have been arrived at. *Makkoth* 7a; N. and W. 102.

No court of law may sentence an accused either to death or even to stripes on the strength of his own confession. The confession of an

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(1) The Belgian scholar D. J. Thonissen who published an interesting paper on capital punishment according to rabbinic conceptions (*La peine de mort dans le Talmud. Bulletin de l'Académie royale des sciences... de Belgique*, tome 22, nr. 11. 1866, pp. 349—423) speaks with admiration of the humane principles of the rabbis regarding criminal law and goes on to say that the great jurists of the 18th century, Filangieri, Beccaria, Blackstone "et tous ceux qui dans la seconde moitié du dix-huitième siècle contribuèrent si puissamment à la naissance de la philosophie du droit pénal, auraient eu pour précurseurs seize siècles plutôt les rabbins de Lydda, de Magdala et Tibériade".

accused has no value whatever, for maybe he is mentally confused in this matter, perhaps he belongs to those weary of life who thrust swords into their own bodies, and who throw themselves from roofs; perhaps such a one confesses something he has never committed, in order to be killed. And the principal thing is that it is the ordinance of the king (viz. God) who requires two witnesses. Maimonides, *Mishne Torah, Sanhedrin* XVII; N. and W. 103.

Thus the application of torturing for the purpose of forcing a confession, one of the gravest errors of jurisprudence among the nations, was precluded.

In the book of the well-known jurist Dr. Losing, *The Confession in Criminal Procedure* (Halle, 1905) we read:

In order to properly gauge a confession, psychological training and above all some insight into psycho-pathological problems is required, and it need not be urged that we cannot take this for granted in our professional judges . . . Apart from that, many judges cannot imagine a person falsely incriminating himself. Contrary to this it must be emphatically stated that many false confessions are made and these not from psychopathic causes (as depression, hysterical aberration), but from normal motives of the most various kinds.

Considering that it took centuries of experience, critical examination, and scientific reflexion to arrive at this view of confession as decisive evidence (now generally held by jurists) it is a significant fact that Jewish teachers of the law, in this case, anticipated the result of a long evolution by a thousand years.

According to Maimonides (*Mishne Torah, Eduth* V, 5; N. and W. 104), the evidence of all the witnesses was void if there was among them one individual incapable of giving evidence.

According to the same scholar (*Mishne Torah, Sanhedrin* XII, 2; N. and W. 105) the murderer ought to have been sentenced to death only if, after he had been warned before the fact and told of the punishment incident to it, he expressly repudiated the warning and at once committed the act.

Another ordinance says: "If the court of justice (the Synhedrion consisted of 70 members) unanimously finds a verdict for the accused this means an acquittal." (Maimonides, *Mishne Torah, Sanhedrin* IX, 1.)

In modern legal procedure, three functions are separately at work: defendant, counsel for the defence, the judge. In the

Jewish court of justice, all these functions were vested in the Synhedrion, and the members of the court of justice shared in the task. If, then, a defendant was sentenced unanimously he had no counsel, and the judgment of the court, therefore, could not be carried out. The effect of this ordinance was that, in every trial, one member of the court of justice took upon himself the duty of advocating acquittal.

After defendant had been pronounced not guilty, the proceedings could not be resumed even in case of new evidence having cropped up; a sentence of death, on the contrary, could be challenged and revised any minute up to the execution, even if the highest court of justice had pronounced the sentence four or five times (*Sanhedrin* 32). Further limitations of the sentence of death were:

But he who hires a murderer, in order to kill his fellow-man; he, whose hirelings sent by him have killed him; or he who gags him and throws him before a lion so that the lion kills him; further, the suicide: every one of these is a shedder of blood, the guilt of murder clings to his hand, and, he is condemned to death through heaven (God), but not through the court of justice (sentence of death through the human judge). Maimonides. *Mishne Torah, Rotseach* II, 2; N. and W. 106.

The whole criminal procedure recorded in the Mishna had the aim of making an execution an impossibility, for the commandment "to judge" (Numb. 35, 24; 25) is interpreted by the Talmudists as a commandment "to rescue" (*Pesachim* 12a). If, notwithstanding this, an execution could not be prevented the benefit of the precept "Thou shalt love thy neighbour as thyself" (Lev. 19, 18) stood the criminal in good stead, because from it resulted the duty of executing him in a charitable way (*Sanhedrin* 45a). That it really was so carried into effect is indicated by the fact that no criminal went to his death in a state of consciousness. The most distinguished women in Jerusalem handed him the cup with the drink that made him unconscious (*Sanhedrin* 43a). His dying day was a day of mourning and a fast-day for the judges, according to the ordinance: "Ye shall not eat anything with the blood" (Lev. 19, 26; *Sanhedrin* 63a).

But if somebody gags his fellow-man and lets him starve until he dies; or if he gags him and throws him into a place where the cold or the



heat kills him; or covers him with a bath-tub; or pulls down a structure upon him; or causes him to be bitten by a serpent, and, as a matter of course, all the more so if he sets a dog or a serpent at him, — in all these cases the sentence of death is not pronounced, but nevertheless he is a murderer, and he (God) who claims the blood will claim it from him. Maimonides, *Mishne Torah*, *Rotseach* III, 10; N. and W. 107.

Under the head of the ordinances limiting capital punishment comes also the passage condemned by Rohling and Justus.

He who wishes to kill an animal and, by mistake, kills a human being instead, he who wishes to kill a pagan (another version: alien), and kills an Israelite by mistake, is not guilty. *Sanhedrin* 78b.

Modern penal codes also treat such cases as attempted, not actual murder, and the killer is not punished with death. He who wished to kill a Jew and kills a Christian by mistake is, by the modern penal laws of several States, not punished by death.

Nöldeke and Wünsche explain:

As a matter of course, "acquitted" and "guilty" in these sentences mean only "not sentenced to death", and "sentenced to death". This also follows from what precedes in the Mishna. For all these cases a heavy punishment is fixed.

But what are the opinions of well-known Christian theologians with regard to our subject?

Si Cajus veneno infecerit vinum illudque posuerit ante Sempronium, volens hunc e medio tollere, Titius autem id nesciens prae-ripiat illud, et Cajus, ne scelus suum erumpat, id fieri permittat, Cajus in effectu non est homicida nec tenetur compensare damna ex morte Titii secuta, quia occisio illa Titii non fuit voluntaria Cajo, qui causam illam praevидere non potuit nec cum tanto suo periculo tenebatur illum impedire.

If Cajus poisons wine and offers it to Sempronius with the intention of doing away with him, but if Titius who knows nothing about it takes the wine, and Cajus in order not to reveal his crime suffers this to happen, then Cajus is not actually a murderer, and not obliged to make amends for the damage resulting from the death of Titius; for that killing of Titius was not done deliberately by Cajus who could not foresee this event, nor was he, at such danger to himself, bound to prevent the other.

(Professor Claudius La-Croix 1652—1714, *Theologia Moralis*, Coloniae 1757, p. 364).

Adalbertus sic confitetur: Volens occidere Titium inimicum, occidi Cajum amicum meum. Quid de Adalberto judicandum? Adalbertus ab omni peccato ratione homicidii patrati excusatur, si occisionem Caji nullo modo praevidere potuit . . . Ratio est, quia actus externus non est formaliter injuriosus Cajo, quem omnino involuntarie occidit. Proinde ad nullam restitutionem erga ejus haeredes obligandus est. Secus vero, si debitam diligentiam omisit, vel periculum Cajum occidendi in confuso praevidit.

(Professor J. G. Gury, *Casus Conscientiae*, Ratisbonae 1865, p. 4).

Adalbert confesses: I wanted to kill my enemy Titius, and I killed my friend Cajus. How are we to judge Adalbert? Adalbert is absolved of all sin concerning the committed human murder if he could not by any means foresee the killing of Cajus. The reason is because the outward action did not formally injure Cajus whom he killed quite unvoluntarily. Therefore he is not bound to pay any damages to Cajus' heirs. It would be different if he neglected the necessary care, or if he foresaw the danger of killing Cajus.

### Another point of Jewish law.

If somebody says to you: Kill this man, else I shall kill you, then he must suffer himself to be killed, and must not commit the murder *Sanhedrin* 74 a.

If some murderers shout to several persons: Deliver one from among you, or we kill all of you! they must not for their preservation deliver a single one. Maimonides, *Mishne Torah*, *Hilchoth Yesode Hatorah* V, 5.

In contrast to this, we read in *Tractatus in Praecepta Decalogi*, 1, p. 668 by Stephanus Fagundez, Professor of Catholic Theology, born 1577:

And the just defending of one's life, one's honour, one's reputation, and one's valuable goods is permitted to such an extent that it is permitted, even to the danger of life of another innocent one. Therefore, we may kill somebody if a third person would kill us in case we should not kill the former.

If somebody has committed murder and knows that another person has been imprisoned for it he is not bound to report himself as the risk of his life. Johannes de Alloza, *Flores Summarum*, p. 493.

A Christian governor who delivers to friendly infidel Indians chained enemies to be killed does not commit a sin, even if the Indians do away with them in a cruel way and eat them. *ibid.* p. 443.

Who, therefore, kills an enemy is not called an assassin even if he kills him from an ambush or from behind. Antonius de Escobar, born 1589, *Liber Theologiae Moralis*, 42d edition, p. 901, number 26.

One may kill one's fellow-man in order to guard one's worldly goods... This is understood of valuable and precious goods. Jacobus Platelius, 1608—1680, *Synopsis totius cursus theologici*, 1678, Pars III, p. 389.

If somebody is so stupid as to judge with incorrigible ignorance that the desire to murder a human being is no sin, then he does not sin if he desires the murder. *ibid.* Pars I, p. 166.

Rohling and his plagiarists denounce Maimonides for limiting capital punishment to a murderer who deliberately murdered a Jew. That the Talmudists limited capital punishment on the ground of the Biblical law has its peculiar reason. As far as the Torah, that is, God himself, inflicts capital punishment it is absolute: there are no extenuating circumstances and no pardon, whereas we all know that there may be cases in which capital punishment of a murderer who perhaps acted from a violent and just emotion would offend the general sense of justice. That is why, in all countries, the right of pardon vested in the sovereign was considered an indispensable corrective. But nobody may pardon against the commandment of God. Therefore a sentence of death on the strength of the Biblical law was not to take place.

### III. The Murderers in no Way escape their Just Punishment.

The murderers who, on the strength of the law of the Torah, are not to be sentenced to death by the court of justice, may be executed by the king according to the law of the State, or for the sake of the common good; in extraordinary cases the ecclesiastical court of justice has also the right, "in case the times require it". However, in cases in which capital punishment is not imposed, the court of justice is bound to inflict other grave punishments on the murderers.

And with all these murderers and such like who (according to the Torah) must not be sentenced to death by the court of justice, the King of Israel has the power to have them executed if, according to the law of the State or for the sake of the common good, (on account of the *salus publica*) he wants to do so; likewise the court of justice has also the power to have them executed, if, considering the

exigencies of the case, or in case the times require it, he thinks it proper. Maimonides, *Mishne Torah, Hilchoth Rotseach* II, 4; N. and W. 108.

If the king does not have them executed, and the times do not require rigour, the court of justice is bound to have them whipped within an inch of death, to imprison them, and to put them in irons for many years and to torment them in all possible ways, in order to strike terror into the other offenders that it may not become an incentive for them to say, "I want to bring about the death of my enemy (through a third person or an indirect means), then I shall go unpunished". *ibid.* II, 5; N. and W. 109.

(In the case of) the murderers who do away with persons (the expression is: "Nefashoth" = souls, which in the Bible means undoubtedly Jews as well as non-Jews), without witnesses and without warning, or in presence of only one witness, or if an enemy has committed an unpremeditated murder, then the king has the power, in all these cases, to have them executed in order to maintain the order of the world, in case the times require it. He may even have many executed in one day, or hanged, and leave them on the gallows for a long time in order to inspire terror, and in order to break the hand (power) of the wicked in the world. *ibid.* *Melachim* III, 10; N. and W. 110.

Nöldeke and Wünsche add:

The cases alluded to are those in which a grievous guilt of the accused has been ascertained, although a regular sentence, owing to flaws in the evidence, is impossible, or the deed is not one of those which are legally punishable by death. This last applies to unpremeditated murder through an enemy; there a great guilt (the intention of bodily injury, and the like) may always be assumed.

It is remarkable that in Maimonides in this passage the expression "Nefashoth" is used without any addition, while in *Mishne Torah, Rotseach* I, 1 where it treats of the sentence of death through the Synhedrion itself the words "nefesh adam miyisroel" are chosen.

#### IV. Theoretical Ordinances concerning Proceedings against Herdsmen of Small Cattle, against Idolaters and Heretics.

The law of the Pentateuch contains the most rigorous ordinances against idolatry and idolaters. These laws are to be found in *Exod.* 13: 9, 11; *Deut.* 7: 2, 3; 13: 9, 11, 16.

These laws were hardly ever carried out, as is proved by the fact that the Jews themselves frequently slid back to idolatry. The exceptional laws were, of course, taken over by the Talmud and Maimonides. Ancient spiritual treasures are carefully stored.

Rohling wilfully mistaking this, writes (*The Talmudic Jew* 71):

The eagle Maimonides says likewise, that it is forbidden to have mercy on the idolater; therefore, if one sees him perishing, or sinking in a river or on the point of death one is not to rescue him.

Rohling quotes in footnote 5 *Mishne Torah* I, 101 f. 40, 1. This passage, according to Nöldeke and Wünsche number 111, is properly quoted Maimonides, *Mishne Torah*, section of the Akum and their laws, c. 10, art. 1.

It is a mere paraphrase of the Biblical ordinances.

No alliances are made with idolaters in order to be at peace with them and let them commit idolatry, for it is written (Deut. 7, 2), 'Thou shalt make no covenant with them'. Either they shall desist from idolatry, or they shall be destroyed. It is forbidden to show mercy unto them for it is written (ibid.), 'Thou shalt not show mercy unto them.' If, therefore, one sees a Goy, who commits idolatry, perish or sink in the river one shall not draw him out; if one sees him near death one shall not rescue him; but to destroy him with one's own hand or to kick him into a pit and the like is forbidden, because he did not make war upon us. All this only concerns a Goy. But it is one's bounden duty to destroy the informers and freethinkers (Epicureans) of Israel with one's own hand, and to push him into the pit of ruin, because they afflict the Israelites and cause the people to apostatize from their faith. Maimonides, *Mishne Torah*, *Hilchoth Akum* XI.

This passage agrees with *Aboda Zara* 13b, 26a, 26b (Nöldeke and Wünsche numbers 116, 114) *Pesachim Piske Tos.* number 127; *Choshen Mishpat* 425, 5 (N. and W. 117).

In all these passages we find two separate groups. One of them, idolaters and shepherds of small cattle, must be neither destroyed nor rescued; the other, heretics, apostates, informers and freethinkers, must be destroyed. These were ordinances based on the Pentateuch theoretically preserved as ancient law; Talmudists added the ordinances which we already have noted. "The Goyim outside Palestine are no idolaters." "Those peoples who obey the Noachian laws are no idolaters and belong to the



righteous who have a share in the eternal life." The Tosaphists declare repeatedly that "the Goyim of to-day are no idolaters", and Maimonides in *Mishne Torah, Hilchoth Shemitta* XIII, 13, places "every inhabitant of the world who worships the Lord and walks upright as God created him" on a par with the priest.

Therefore Nöldeke and Wünsche declare briefly:

This (commandment not to rescue the idolater) cannot be looked upon as actually valid, after the many dicta mentioned above according to which the non-Israelites of to-day must be judged differently from the old pagans (number 111).

It has been taught: Goyim and shepherds of small cattle must not be drawn out (namely when they have fallen into a pit or a into a cistern), but they must not be pushed into it either. *Aboda Zara* 13 b; N. and W. 116.

The informer and the apostate may be destroyed, but it is forbidden to defraud the rest of the uncultivated people of their money; also his evidence at court is acceptable. *Pesachim, Piske Tosafoth* number 127; N. and W. 113.

Rabbi Abuhu taught before Rabbi Jochanan: One shall not draw out the Goyim nor the shepherds of small cattle, nor shall one throw them in, but the heretics (minim), the informers and the apostates shall be thrown in and not be drawn out. *Aboda Zara* 26; N. and W. 114.

The "shepherds of small cattle" were nomadic Jews. In Palestine the land was distributed; the Jews were an agricultural people. The breeding of goats but more especially of sheep required vast pastures which intensive agriculture could not leave untilled; consequently the nomads wandered from place to place, and allowed the cattle to feed on the crops. They were, therefore, looked upon as lawless thieves, and placed on a par with idolaters.

Rashi on *Baba Kamma* 80a says:

He (the shepherd of small cattle) grazes on other people's fields and robs the people. (He was called "armed thief", *Gemarah* l. c.)

Evidently the breeding of small cattle was only possible in this way, therefore it was rigorously forbidden in Palestine to breed small cattle. *Mishna Baba Kamma* 7, 7.

The economic conditions which, two thousand years ago, led

to the proscription of the shepherds of small cattle, seem to have been exactly repeated a few decades ago. A report on Asia Minor dating from before the World War mentions as obstacles to new colonisation, besides the defects of management, the raids of the Circassians, &c., the damages which were done by the shepherds of small cattle. The boundary-lines of the various grounds are not clearly defined, the land is not hedged in, so that the wandering shepherds encroach constantly upon other people's estates. This accounts for the hate of the Jewish peasantry against the nomadic shepherds, who defrauded them of the produce of their labour; one more proof, by the way, of the rural character of the Jewish community.

Nöldeke and Wünsche remark (number 114):

The herders of sheep and goats in Palestine were looked upon as unmindful of other people's rights (compare number 138); they were, therefore, not taken for true Israelites... This juxtaposition shows that these dicta had their origin in particular historical conditions...

That apostasy is a capital crime is, to be sure, a barbaric view, but it is not peculiar to Judaism exclusively. Islam adhered to it at all times, and acted accordingly. The Persian empire, just at the time of the Talmud, dealt similarly with those who deviated from the state religion.

We need not point out the practice of the Christian Churches. Judaism, as it was nowhere a ruling power, confined itself always to harmless theory...

The freethinkers (number 111 ff.) are on a par with the apostates; if nowadays orthodox Jews were to destroy all the fellow-Jews who in the sense of the old doctrine were taken for freethinkers there would have to be a terrible massacre. **All this has, therefore, no practical meaning ...**

That the informers or 'delators' i. e., such Jews as reported to non-Jewish authorities their knowledge of Jewish conditions to the detriment of all their brethren or of single individuals, and incited the aliens against the former were not considered worthy to be spared, will hardly be disapproved of if one considers the position of the Jews in the old times.

We come across such informers of the most repulsive and dangerous kind in much later times...

Here, too, it must be observed that there ought to be authentic evidence furnished of informers, who, as such, have actually been killed by Jews.

Now compare the doctrine of the distinguished Catholic theologian Airault, lecturer of morals in Paris:

If you try by false slandering to disparage my good name before a prince, or a judge, or distinguished men, and I cannot avert this injury to my good name but by killing you secretly — may I do so? Bannes says 'Yes', and adds that I may do so, if the crime remains hidden, so that it cannot be communicated to the regular jurisdiction... The right of defence extends to all that is necessary to keep clear of injury. But the slanderer ought first to be admonished to abandon his intention; but if he refuses one may, to avoid scandal, kill him secretly. *Propositions dictées au collège à Paris 1644, p. 319.*

With regard to freethinkers we read: It is one's bounden duty to destroy freethinkers (Epicureans) of Israel, i. e. such who commit idolatry, or, in defiance (of God; literally: in order to irritate God, transgress, were it only by eating flesh of an animal torn by beasts of prey, or by clothing himself in mingled fabrics (in wool and linen interwoven), or a real freethinker (Epicurean) of Israel who does not believe in the Torah and in the Prophets. If he (the Israelite) be able to kill them, let him do so with his sword publicly, if not, he ought to overpower him by cunning until he causes their death. For instance, if he sees that one of them has fallen into a pit, but that there is a ladder on which he might climb up again, then he ought to forestall him by taking it away, and saying: Look here, I am in a hurry to fetch my son from the roof, I shall bring it back again, and so on. But with Goyim who are not at war with us, and with shepherds of small cattle in places where the fields belong to the Israelites, and such like people one deals in the following way: one does not cause their death, but one must not save their lives. *Choshen Mishpat 425, 5; N. and W. 17.*

The commentary *Beër Hagola* adds to this:

This only refers to the idolaters of the time.

Our wise men of blessed memory said this only with regard to the Akum of their times who worshipped stars and constellations, and did not believe in the Exodus and in the creation of the world; but these Goyim in whose shade we, the people of Israel, live, and among whom we are dispersed, believe in the creation of the world and in the fundamental principles of religion, and they (the peoples) address themselves to the Creator of heaven and earth, as the authorities have written, and as Rabbi Moses Isserles quotes in *Orach Chuyyim* chapter 126 Haggaa: 'Not only that there is no prohibition in existence against rescuing them (the Goyim of our times) from dangers, but we are rather bound to pray for their welfare'. Of this the author of *Maase Adonai* deals fully in the section of the *Haggada* on the verse (Ps. 79: 6): Pour

out thy wrath upon the heathen that have not known thee, that king David—peace be to him! — has prayed to pour out (his wrath) upon the Akum who do not believe in the creation of the world nor in the tokens and miracles which the Lord—praise be to him! — has done for us in Egypt, and in the lawgiving. But these Goyim in whose shade we live, and under whose wings we are sheltered, believe in all that of which I have written. And we are ever ready to pray for the welfare of the empire and of the princes, and for all the countries and places of their territory. And Maimonides writes that the ordinance is the same as in *Sanhedrin* (fol. 103a, written by Rabbi Joshua, namely that the righteous among the Akum also have a share in the world to come, N. and W. 24.

It is not permitted to cause the death of idolaters who are not at war with us, or of shepherds of small cattle in the land of Israel at the time when most of the fields belonged to the Israelites, but it is also forbidden to rescue them when they are near death. For instance, if he the Israelite sees that one of them has fallen into the sea, he does not draw him out, even if he gives promises him a reward; therefore, one must not cure them either for a reward, except where (otherwise) hostility were to be apprehended. But all this refers (as far as it concerns Israelites, only to such an Israelite who is a sinner, and persists in his malice, which he repeats incessantly, as for instance the shepherds of small cattle who were mad in robbing, wandering in folly.

But it is one's bounden duty to rescue an Israelite who, though he is a transgressor, does not persist in his wickedness, but only transgresses in order to satisfy his appetite, for instance, if he eats flesh of an animal torn by beasts of prey from gluttony, and it is forbidden to stand over his blood (to let him stop in danger of his life). *Yore Deah* 158, 1; 2. N. and W. 118).

Nöldeke and Wünsche remark on "shepherds of small cattle":

Note that in this case an ordinance which is formally represented as still valid expressly states its object as belonging to the past. The contradiction, also externally apparent, is very frequent in Jewish legal literature. That these former shepherds of Palestine are dragged through the various law books is in itself sufficiently illuminating.

Nöldeke and Wünsche add with regard to the other ordinance:

Just think of the many Jewish physicians who live principally on their practice among Christians, and you will see how obsolete all this is.

Thus Nöldeke and Wünsche. Indeed, it is easily seen from the fact that idolatry is always found side by side with the pro-

scription of the Jewish herder of small cattle who, even at the time of the Talmud, belonged to the past, that we have to do with superannuated ordinances which merely record old remembrances.

It is important to know the attitude of the Canonical Law towards persons in danger. There it says:

All those who dare seize Roman or other Christians who, in commercial pursuits or for other honourable reasons, go to sea, or who rob them of their property, are liable to excommunication. Those also who rob shipwrecked Christians (to help whom they are bound according to the ordinances of the faith) of their property in damnable greed, shall know that they are liable to excommunication if they do not restore what they have robbed. *Corpus Juris Canonici Decretales Gregorii liber V, titulus XVII, cap. 3.*

According to this sentence Christian duty demands only that Christians be rescued from the sea, and the most severe ecclesiastical punishment is inflicted on those who rob Christians. Following the logic of Rohling, one might complete the sentence in the following way: "All this is permitted against non-Christians". His disciples do not hesitate to reason along these lines.

It is in our conduct towards the helpless and weak that the nature of civilization, the result of the educational influence of religion on the individual is revealed. On the 25th of December 1909, there happened in Uhersko, Bohemia, a terrible railway tragedy in which 13 people were killed and many seriously wounded. The "Prager Tagblatt" reported as follows:

"The slightly injured post-office employee Makowsky was robbed of six rings as well as of his watch. The injured persons [all non-Jews] complain that the peasants who, after the disaster had happened, hurried to the place of accident did not assist them. One of the injured who had his leg broken, and was lying in the mud of the railway embankment entreated those standing around to give him shelter from the pouring rain. But the peasants turned their backs on him without assisting him."

According to the reports of eye-witnesses, the inhabitants of Uhersko stood around not only unconcernedly, but laughing derisively when the wounded who were bathed in blood asked



for relief from their pain. They demanded payment, before lending a hand, cash for the safe rescue of human lives. But the most remarkable feature of it was — as verified by the papers — that the people had just been coming from church where the divine service had been solemnized, and where they had just heard the sermon of their pastor.

This occurrence confirmed again the deep wisdom of the admonition of our sages:

He who acts deceitfully and uncharitably towards those of another religion will soon come to practise deceit and uncharitableness towards those of his own religion. *Yalkut* II, 837, p. 583 a; N. and W. 49.

This is most remarkable in the light of the speech which Myslivec, a Bohemian member of Parliament, delivered in the Austrian Parliament a few days before the railway accident mentioned above. He said among other things:

The ordinances of the Talmud say that the entire money of the world belongs to the Jews, and that it is their business to appropriate all this money to themselves. That is why the Jews sometimes are not very scrupulous, if they now and again are able to put this money into their pockets with little trouble.

But the Christians have very rigorous ordinances in their conscience which do not permit them to manage things as the Talmud allows.

In Inzersdorf, near Vienna, a clergyman, in 1896, told the following story of an action which he recommended as a good example to his flock: A captain, who had committed many sins, saved himself in a boat as the only survivor of a shipwreck. Presently, a man who was on the point of being drowned caught at the boat and asked him for God's sake to take him in as he had a wife and children at home who were dependent upon him. The captain asked the man: "Are you a Jew or a Christian?" And when he made known that he was a Jew, the captain pushed him into the waves. A short time thereafter, the captain fell ill, and as he felt death drawing near he confessed his sins and also the occurrence mentioned above, which weighed on his conscience. The confessor replied: "For the sake of this one good deed your sins be forgiven". (*Österreichische Wochenschrift* 1896, p. 690.)

## V. The Church and the Heretics.

It is well known that, within the Church, heresy was the most odious vice, and had to be exterminated. Jerome was quoted (Epist. 37 ad Riparium adversus Vigilantium) and St. Augustine (Epist. c. CLVIII, CLIX, CLX — *Contra Gaudentium* lib. I, c. XIX; *Contra epistolam Parmeniani* lib. I, c. VIII), and the fact is mentioned that at the time of St. Augustine the death sentence was pronounced on everybody who was convicted of having followed a pagan custom. The code of law, *Codex Theodosianus*, compiled in the reign of Theodosius the Younger, contains no less than 66 provisions against heretics, besides many others against pagans, Jews, apostates and sorcerers.

The old theologians held the view that the excommunication which exposed man to eternal damnation was an infinitely severer punishment than death, and that, as the church has the right to excommunicate, it may inflict the temporal capital punishment as well.

Irenaeus did not consider it murder to kill a man of another belief. According to *Corp. iur. can. Sext. Decretum Grat.* II, pars causa 22 questio V, cap. XLVII he who, from zeal for Mother Church, kills an excommunicated member is not considered a murderer.

Well known is the edict of Innocent IV., in which he publishes the text of the laws issued by the Emperor Frederic "against the heretical wickedness" and urges their observance! The Emperor Frederic decreed that all the heretics (who are also called a generation of vipers, cankers, and villains), after being condemned by the Church, are to be punished by the secular arm: those who abjure heresy "according to the canonical provisions" by imprisonment for life, and those persevering in heresy by "shameful death". But he takes away from "the heirs and descendants of these same heretics as well as from their protectors, patrons and attorneys to the second degree, all their temporal possessions, public and honorary offices, in order that they may perish in mourning, in remembrance of the crime of the father, knowing well that God is severe, and takes his revenge for the sins of the father on the sons".

Corpus Juris Canonici decrees expressly (Decretales Gregorii lib. V, tit. VII, cap. X) that the confiscation of property takes place also if the children are innocent, a provision which Paramo justifies on the ground that the crime is so great that some of its sordidness clings to all the relatives as well, and that the Almighty (whom he calls the first great-inquisitor) banished not only Adam but also his descendants from the garden of Eden. (Paramo, *De Orig. et Progressu Sanctae Inquisitionis*. Madrid 1598, p. 588.) This accounts for trials instituted against dead heretics.

In a Bull of Innocent III. the confiscation of heretic property is justified by the declaration of God that the children are often punished for the sins of their fathers. For the justification of Alexander IV., see Emericus, *Directorium Inquisitorum. Romae* 1578, p. 58; 59; 64.

Innocent III. asked the abbots and prelates in the dioceses of Narbonne, Beziers, Toulouse and Alby not to restore the property entrusted to their care by the heretics, but to declare them to be confiscated. (Stephani Baluzii epistolarum Innocentii III. libri XI Tom. II. Parisiis 1682 apud Franciscanum Minquet, epistola 126, p. 382.)

In contrast to this, Aron of Barcelona (1274—1310) explains in *Sefer Hachinukh* number 229 (N. and W. 65):

In the Gemarah they (the rabbis) of blessed memory have said: Even such people whom it is permitted to destroy, for instance, heretics, even such it is not permitted to cheat, rob, or strip of their money. And they have said it in this sense (on the grounds): Perhaps there springs a worthy seed (worthy progeny) from them, and the money will go to them.

Nöldeke and Wünsche add:

He who injures the property of a heretic deserving death, injures his descendants who perhaps are believers.

The well-known law of Frederic also has some regard to innocent children, only it puts their innocence to a doubtful test. It adds immediately after the sentence quoted above, in which the crime is to be revenged on the offspring to the second degree, the following: "Still we find it proper to exclude (nobody) from the gate of mercy in order that the innocent children

should not incur the punishment mentioned above, in case they do not follow the heresy of their fathers, and reveal the secret faithlessness of their fathers, whatever the punishments may have been which have been inflicted upon them." A prize, then, for those children who by their information bring their fathers to the stake!

Jacobi Simancae Pacensis Episcopi *De Catholicis Institutionibus Liber* was published with the permission of his superiors in Rome (the 3rd edition in 1575). In the preface addressed to Gregory XIII. Bishop Simancas thanks the Holy Father who repeatedly encouraged him in preparing newly improved editions. In this book it is ordained that heretics are to be thrown into the fire, but with the distinction that only the stubborn ones should be burned alive, the others strangled before they were burnt.

In the executive rules laid down in writing by the Pontifical Inquisition it says:

If there existed a more cruel punishment than death by fire, it would have to be inflicted on the heretics in order that they and their crimes might vanish from the memory of mankind as quickly as possible.

At the execution of backsliding or unrepentant heretics care is to be taken that they be gagged, lest they give offence by their words to those standing round.

In Rome those who remained obstinate were burned alive, not from hardness of heart, but in the hope of "cooking their stubbornness out of them" (*Spe excoquendae ipsorum pertinaciae*), and in order to move them by the enormity of the punishment to the avowal of the right creed. (Carena, *Tractat. de officio s. Inquisitionis*, Anteludia p. 4; 70; 348; 357. Guidonis, *Practica Inquisitionis* Ed. Donais Paris 1886, p. 217; 218). This is how the proceedings were carried out: under appeal to God, the hand upon the holy Gospels, amidst prayers and ceremonies, the sentence was pronounced; the solemn procession, with the cross and the church banners in front, went to the place of execution; bishops, monks, priests accompanied the condemned, and were standing round the stake on which the heretic breathed his last.

In the year 1285, there were burnt alive in Krems 16, in St. Pölten 11, in Vienna 102 heretics (Pertz, *Monumenta Germaniae* IX,



p. 810; 825). In the year 1315, in Schweidnitz, 50 heretics were burnt alive at one time (Haupt, *Waldensertum und Inquisition*, Freiburg 1890, p. 26). In Strassburg, 80 heretics mounted the pyre together. (Kaltner, *Konrad of Marburg*, Prague 1882, p. 43, note 2).

On February 10, 1568, a sentence of the Holy Office condemned all the inhabitants of the Netherlands to be burned to death as heretics. Only a very few were excepted from the general condemnation. A royal decree, dated ten days later, ratified this sentence of the Inquisition and ordered its immediate execution. Thus three million human beings, men, women, and children were sentenced to death in three lines (Motley, *Rise of the Dutch Republic II*, 155).

The number of those who, in the Netherlands alone, in the reign of Charles V., were executed for the sake of religion has been estimated by a first-rate authority at 50,000 (Sarpi, *History of the Council of Trent*; Grotius puts it at 100,000), while half of this number perished under his son.

In 1546, the Venetian ambassador at the court of Charles V. stated on his return, in a report to his Government, that in Holland and Friesland more than 30,000 people had suffered death for Anabaptist errors (*Correspondence of Charles V. and his Ambassadors*, Edited by William Brandford, p. 471).

In Rome a periodical, *Analecta Ecclesiastica*, Revue Romaine, is published. Its editor was the prelate Felix Cadene, prelate in ordinary to his Holiness Pope Leo XIII; its title-page was adorned with the crest of Leo XIII., and bore the legend: Ubi Petrus ibi Ecclesia. In the issue of January, 1895, was printed an essay which dealt with the Inquisition and concludes with the words:

O, ye blessed flames of the stake! Through you, thousands and thousands of souls have been saved from the abyss of error and damnation; through you the commonalty has been preserved for centuries in a safe and happy state (p. 32).

The teaching that the vice of heresy must be destroyed by fire and sword was believed by the elect spirits within the Church.



The great Dante, who imprisons Plato and Aristoteles in the dusk of limbo, raises the bishop of Marseilles, who butchered the Albigenses, into the loftiest heaven of love.

Abélard of whom Victor Cousin (*Ouvrages inédits d'Abélard*, Paris 1836, 4) says in the introduction: "Il est avec Saint Bernard dans l'ordre intellectuel le plus grand personnage du 12ième siècle. Comme Saint Bernard il représente l'esprit conservateur et l'orthodoxie chrétienne, dans son admirable bon sens, sa profondeur sans subtilité, sa pathétique éloquence" - this great Abélard declares (opp. p. 659):

The sin of the Jews in slaying Jesus was less in degree than would have been their sin if they had, against their convictions, shown him mercy.

To such an extent was the duty of killing heretics a matter of course to him.

But the heretics themselves, curiously enough, were convinced that it was their duty also to extirpate heresy and to kill the heretics. Calvin delivered Michael Servet to the stake and received the approval of the German Reformation for doing so.

As late as August 1690, when there took place in Amsterdam a synod which consisted of English, French and Dutch preachers who had made their escape to Holland from persecution, the principle that the authorities had no right whatever to crush heresy and idolatry by secular force was unanimously declared as "erroneous, offensive and pernicious". (Bayle, Art. Augustin note 11. As to the general intolerance of the Dutch clergy, see also Hallam, *History of Literature* III, p. 289). In a debate in the House of Lords on July 15, 1864, Lord Houghton declared that Froude had succeeded in his investigations in unearthing the address of the two houses of Convocation in which Queen Elizabeth had been urged to have Queen Maria executed as quickly as possible, which she might justly do as Maria was an idolatress. (Compare Froude, *History of England*, X, pp. 360—362.) It had dawned on the great queen that it was not consistent with morals to have people murdered on account of their religious convictions; religious hate began to be ashamed of its nakedness and felt itself compelled to wear

a figleaf. That is why Queen Elizabeth justified the measures she took by saying that the safety of the State made them necessary. (Buckle, *History of Civilization* I, part. 1, p. 292.)

The fate of the infidels was not easier than that of the heretics. In the year 1390, about a hundred years before the conquest of Granada, the Catholics of Seville, incited by the eloquence of a great preacher, Hernando Martinez, attacked the Jewish quarter and murdered 4000 Jews; the massacre was led by Martinez himself. (Rios, *Etudes sur les Juifs d'Espagne*, p. 77.) About a year later, similar scenes took place, at the instigation of the same prominent clergyman, in Valencia, Cordova, Burgos, Toledo, and Barcelona (ibid. pp. 79-82; Llorente, *Histoire de l'Inquisition*, I, p. 141). St. Vincent de Ferrer, who at the time excited the whole of Spain with his sermons, devoted himself particularly to the Jews, and as the people eagerly supported the religious judgment of the holy man by butchering those who hung back, many thousands were converted, and if they relapsed into Judaism they were imprisoned or burnt alive. (Lecky, *Rationalism in Europe* II, 221.)

The burning of Jews and heretics was invested with all the characteristics of a public festival and a religious celebration, and a special day was fixed for it. There is a curious picture in the Gallery of Madrid painted by Francesco Rizzi, representing the procession of Jews and Jewesses to the stake, an incident in the solemnities of the marriage of Charles II. in 1680. The Jews were burnt in presence of the king, his bride, the court, and the clergy of Madrid. The large square arranged as a theatre was crowded with ladies in gala dress. The king sat on a dais, surrounded by the principal members of the aristocracy. The High Inquisitor, Bishop Valdares, presided.

In Lecky, II, p. 90 one reads:

Among the victims of the year 1680 there was a Jewish girl of about seventeen years whose wonderful beauty delighted everybody who looked at her. When she went to the stake she called out to the queen: Great Queen, could not your presence secure me some relief? Consider my youth, and that I am damned on account of a religion which I have imbibed from the earliest in-

fancy. The queen turned away her eyes. (Limborch, *Hist. Inquis.* cap. XL.)

The abbot of Fromesta, Fra Diego de Haedo, published in the 16th century a description of Algiers in which he particularly abuses the Moors who had fled from Spain because they did not wish to be baptized. He writes of the Arabs of Algiers:

Only in one respect are they generous: if it is a matter of burning alive a Christian in order to take revenge for the death of a renegade or a Moslem who, at the command of the Holy Office in Spain, suffered death on the stake, which, it is true, happened very often. Then they run through all the streets, collecting money right and left, and everybody hastens to give a contribution to the pious work, namely to buy a Christian slave in order to deliver him to the stake. They like best to buy for this purpose a Christian priest or monk in bondage, for their hate against our holy order is boundless.

The well-known traveller Henry, Baron of Maltzan, comments upon this passage:

One cannot help shuddering at this artlessness of the father. He thinks it quite proper that the Holy Office should have every year burned alive thousands of the so-called Maranos [this was the name of these Arabs and Jews in Spain who were converted by force, but who secretly adhered to their former belief] and renegades [Moriscos for the most part reluctantly converted, who escaped to Africa, and there adopted Islam again]; but when in blood-feud the Arabs burnt a Christian, this, of course, was looked upon from another point of view, and was the blackest crime, while the cruelties of the Holy Office were pious acts! Nevertheless such atrocities were rarely perpetrated on the part of the Arabs; the Holy Office, in this respect, surpassed them decidedly. *Globus* 1873, XXIV, p. 185.

What makes this particularly piquant is that Rohling himself (*Catechism for Jews and Protestants*, p. 218) derives the right and the duty of executing heretics even in our times from the Mosaic law:

God showed plainly through Moses what He, the Highest, thinks in this respect. Why should the Church be less concerned than the oldest community to safeguard her children from error? Is heresy in the eyes of the Apostle (Gal. 5, 19f.) a lesser evil than adultery and murder?

## VI. Comprehensive Humanity of the Rabbis.

But he falsely accuses the Talmud (in the *Talmudic Jew* p. 72):

He who sheds the blood of the wicked (i. e. of the non-Jews), the rabbis

say, offers up to God, and as his authority he quotes *Yalkut Shimeoni* fol. 245,3 on Pent. *Bemidbar* p. 21, f. 229,3.

The forgery is that there is no allusion here to non-Jews, at all but to an evil-doer who was killed in the time of Moses. The reference here is to the event fully related in Numbers 25, of a Jewish prince, Zimri by name, who offended with a pagan woman. A nephew of Moses, Phineas, caught them in the act, became enraged, and killed them both with a spear. Thereupon God conferred on Phineas and his descendants the covenant of an everlasting priesthood. It is to this that the Mishna refers (*Sanhedrin* 81b; N. and W. 127).

He who commits fornication with an Aramaean woman (a pagan) is killed by the zealots. (Rashi explains this in the following way: righteous people who are zealous for God killed him the moment they saw the deed).

Gemarah: Rabba, the son of Bar Chana, says in the name of Rabbi Jochanan: "If he (the zealot) comes in order to get advice, one must not instruct him." Rashi remarks on this: A zealot who asks the advice of the court of justice whether he is permitted to kill him (the one who commits fornication with a pagan woman) must not be given advice, for the Mishna only refers to such a one who is zealous of his own motion, without asking advice.

The Gemarah adds various other restrictions, for instance that Zimri, if he had killed Phineas in self-defence, would not have been sentenced to death.

And Phineas, the son of Eleazar, saw - what did he see? Rab said: He saw the deed, and was thinking of the ordinance. He spoke to him (to Moses): "Brother of my grandfather, didst not thou teach us when thou camest down from Mount Sinai: who commits fornication with an Aramaean woman (a pagan woman) is killed by the zealots?" He spoke to him: He who read the letter shall also be the messenger. Samuel said: Behold, there is no wisdom, no reason in face of the Lord. Where there is a question of profaning the name of God, one does not do honour to the master. (Just as Phineas did had no regard for Moses.) *Yalkut* II, number 771, p. 534; N. and W. 128 a.

Therefore it is written (Num. 25: 12): Behold, I give unto him my covenant of peace... Has he (Phineas), then, brought an offering for which atonement (forgiveness of sin) is promised? (No), but it teaches that everybody who sheds the blood of the evil-doers is looked upon as if he had offered up a sacrifice. *Yalkut* II, number 772; N. and W. 128 b.

*Midrash Rabba* on Num. 21 says the same.



Nöldeke and Wünsche add by way of explanation:

The author of this dictum is far from giving it the comprehensiveness of a general rule, for that would mean that every devout Jew is permitted to kill every Jewish evil-doer as a sacrifice acceptable to God, without any more ado. But we have seen how perplexing to the rabbis is the isolated case of Phineas which does not fit into their system. The explanation of Professor Rohling: He who sheds the blood of the wicked (the non-Jews) makes a sacrifice to God, has no foundation whatever. Non-Jews are not mentioned at all, for the event which gave occasion to the maxim deals with a wicked Israelite.

Rohling quotes the same sentence in his book *Polemics and the Human Sacrifice of Rabbinism*, p. 48, 49 as proof of the frequent occurrence of the idea that the murdering of non-Jews is a sacrificial act, and that by the word "wicked" is understood to mean Christians.

This is how the proofs of ritual murder are fabricated. In these passages, neither Christians nor non-Jews are mentioned at all or even indirectly referred to.

Rohling, in his book *Franz Delitzsch and the Jewish Question*, p. 27 alleges that the Talmud expressly forbids to rescue a non-Jew from death, to return lost money to him, or even to feel pity for him, and quotes *Aboda Zara* 13b, 20a; *Baba Kamma* 29b.

Nöldeke and Wünsche render this passage as follows:

Rabbi Jose, the son of Chanina, said: The Scripture (Deut. 7, 2) says, Thou shalt not show mercy unto them (the Goyim), i. e., Thou shalt not give them land for use (in the land of Israel). *Aboda Zara* 20a.

Nöldeke and Wünsche remark:

A strong mitigation of the Biblical ordinance through interpretation.

Nöldeke and Wünsche confirm that *Baba Kamma* 29b contains nothing of idolaters or heretics.

*Aboda Zara* 13b is of the same tenor as *Aboda Zara* 26b.

In *My Answer to the Rabbis*, p. 25, and p. 47 the passage *Choshen Mishpat* 425, 5 is singled out once more. Nöldeke and Wünsche translate the passage which is nothing else but the ordinance against base idolaters and heretics.

The *Talmudic Jew* p. 60 says: "Thus Rabbi Gerson: The righteous do not well to show mercy unto the wicked" re-



ferring the reader to 1. Kings 18, 14". The fact is, that a commentary on the Book of Kings by a Rabbi Gerson does not exist, but there is one by Levi ben Gerson<sup>(1)</sup> who, it is true, commenting on 1. Kings 18: 40 (N. and W. 130) justifies the deed of the prophet Elijah who had the Jewish priests of Baal killed; St. Chrysostom does the same in the passage mentioned above where he vindicates Jacob and Moses and adduces expressly the two cases of Phineas and Elijah as being such "in which we must admire the doers because God praised them for it".

Rohling says in the *Talmudic Jew*, p. 61: "According to the Talmud all the uncircumsised are pagans, wicked, evil-doers" referring to *Nedarim* 31b; *Pesachim* 92a.

Both passages were translated (number 131 and 132) by Nöldeke and Wünsche. At the end of the translation of *Nedarim* 31b Nöldeke and Wünsche state:

Of course, it does not at all follow from these words that uncircumsised and wicked are synonyms in Jewish parlance,

and at the end of the translation of *Pesachim* 92a Nöldeke and Wünsche add:

That all uncircumsised are pagans, wicked and evil-doers follows from this passage as little as it does from number 131. That the uncircumsised are pagans for the Mishna is a matter of course, the more so as even the Christians whom the Mishna knew were most likely all circumsised.

In the face of this simple and convenient method to stigmatize the Jewish theologians as bigots, by imputing to them the view, that all non-Jews are wicked, and that consequently it is right, nay, a duty to inflict upon non-Jews as such, especially Christians, all those evils, with which the wicked are threatened in the Bible and in other religious books, we refer to *Sanhedrin* 59a (N. and W. 133):

How can it be proved that even the Goy, if he occupies himself with the Torah, is like a high priest? Because it says in Lev. 18: 5: Ye shall, therefore, keep my statutes, and my judgments; which if a man do, he shall live in them. It does not say: priests, and Levites, and Israelites (laymen), but man. From this thou learnest that even a Goy if he occupies himself with the Torah is like a high priest.

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(1) Levi ben Gerson was referred to with praise by some of the foremost men in Christendom, such as John Reuchlin, Pico de Mirandola and Kepler. To them he was known as Leon de Bagnols.

Essentially the same thing is found in *Sifra* on Lev. c. 18: 5 (N. and W. 134):

Which if a man do, he shall live in them (Lev. 18: 5). Rabbi Jeremiah, used to say: Thou askest: how can it be proved that even a Goy, if he occupies himself with the Torah is like a high priest? Because it says: Which if a man do, he shall live in them. And likewise it says not (2. Samuel 7: 19): This is the Torah of the priests, the Levites, and the Israelites, but: And is this the manner of man, O Lord God? Likewise it says not in (Isaiah 26: 2): Open ye the gates that the priests, the Levites, and the Israelites may enter in, but: that the righteous nation which keepeth the truth may enter in. Likewise it says not (in Ps. 118: 20): This gate of the Lord, into which priests, Levites and Israelites, but: into which the righteous shall enter. Likewise it says not (in Ps. 33: 1): Rejoice in the Lord, O ye priests, Levites, and Israelites! but: Rejoice in the Lord, O ye righteous! Likewise it says not (in Ps. 125: 4): Do good, O Lord, unto the priests, Levites, and Israelites! but: Do good, O Lord, unto those that be good! This means: Even the Goy who practises the Torah is like a high priest.

Of the prophetic promise in Isaiah 25: 8 "He will swallow up death in victory; and the Lord God will wipe away tears from all faces" Rabbi Joshua ben Levi says, in *Bereshith Rabba* 26, that as death will cease in Israel, so also in all other nations.

It was forbidden in the seventh year to till the fields. Nevertheless, if, in the seventh year, the rain had not set in at the expected time, a general fast was ordained. One prayed and implored for rain. Now, the Talmud is of opinion that the purpose of this fast was chiefly to pray for rain for the fields of the Gentiles. For the Jew is also bound to help provide nourishment for the Gentiles. (*Jerushalmi Taanith* 3, 1; *Tosefta Taanith* 2, 8.)

I call to witness heaven and earth: whether one be an Israelite or non-Israelite, man or woman, slave or woman-slave, everything depends on the works which he does; thus the Holy Spirit rests on him. *Tana debe Eliahu* 9; N. and W. 135.

The same is found in *Yalkut* on Jud. chap. 4. Part. II, p. 705.

*Tosefta Terumoth* 7, 14, ed. Zuckermann, p. 42 (N. and W. 122) forbids giving a Goy drinking water that had not been kept covered (this being considered unwholesome, because it was assumed that serpents who drank of it had poisoned it) while one might water one's own cattle with it, for one must not put other

people in danger of injury, even if one is personally convinced that no such danger exists.

According to a legend recorded in *Sanhedrin* 39b; *Megilla* 10b, the angelic choirs wished to set up a song of praise at the moment when the Egyptians, who had pursued the Jews, were drowning in the Red Sea, but God forbade them to do so.

At this moment the ministering angels wished to set up a song before the Holy One -- blessed be he -- but the Holy One -- blessed be he -- spoke to them: 'The work of my hands (the human beings created by me) sink into the sea and ye would set up a song before me?'

Nöldeke and Wünsche (Nr. 136) add to this:

This passage again shows a somewhat sentimental humanity towards mortal enemies which is rather foreign to the Old Testament. One might say that it is easy to be lenient towards the long forgotten adversaries of one's people, but tradition being so much alive about the destruction of Pharaoh's Egyptians and the rescue of Israel, the case is different. Add to this that these Jews who identify themselves with their forefathers, were also inclined to identify all their enemies of all times. He who could think leniently of the arch-enemy of Moses could not have felt irreconcilable towards the present enemies of Israel either.

The Shulchan Aruch (Orach Chayim 490, 4) says:

On the last day of Passover one does not recite the whole prayer of Hallel, on the grounds of *Megilla* 10b and *Sanhedrin* 39b.

Professor Cornill remarks on the Biblical injunction, Thou shalt not abhor an Edomite; because thou wast a stranger in his land, (Deut. 23:7), that one cannot read it without being deeply moved. He adds:

The Israelite, then, should be thankful for a hospitality such as he enjoyed in Egypt which consisted in torturing him to the quick, even for this sort of hospitality the Israelite ought to be thankful, and feel obliged to that people. Is not that coming very near the love of the enemy?

Now, read in this light what Wahrmond says (*Law of Nomadism*, p. 57):

According to the Rabbinical mode of thinking, the Jew, strictly speaking, transgresses his law if he does not kill the infidel in case he is able to kill without danger.

Or Athanasius Fern (*The Jewish Morals and the Blood-Mystery*, p. 16):

(1) The Jew who kills a Christian commits a deed agreeable to God.

(2) After the destruction of the Temple, there is no other offering except the extirpation of the Christians.

(3) For the Jew who kills a Christian the highest place in Paradise is reserved.

Likewise Arthur Dinter (*The Sin against the Blood*, p. 385).

All this on the authority of Rohling who was convicted of crass ignorance and forgery by men like Theodor Nöldeke and August Wünsche.

In his zeal to authenticate the cruelty of the Talmud by ever new passages, Rohling happens to quote texts which prove just the reverse. Thus he says (*The Talmudic Jew*, p. 75), "It is quite right to kill the heretic, says the Talmud," and quotes *Aboda Zara* 4b Tos.

Nöldeke and Wünsche (Nr. 119) quote the passage literally:

The Talmud here relates a story of Rabbi Joshua the son of Levi who, when harassed by a heretic, was about to curse him. The Min worried him with passages from Holy Writ. Imagine, say, a dispute between a baptised and an orthodox Jew about various passages of Holy Writ. The rabbi wished to curse the Min at a stated time, but he overslept himself, and when he awoke he said: "From this, one may gather that it is not a human act to do so, for it is written, 'The Lord is good to all; and his tender mercies are over all his works' (Ps. 145: 9), and further, 'Also to punish the just is not good'" (Prov. 17: 26). The Tosa-phist, in a paraphrase of this passage, takes a deal of trouble in order to reconcile it with the passages adverse to heretics, but he does not succeed, for as Nöldeke and Wünsche literally say "It is a fact that the morals of this story actually are at variance with the ordinances: they are more human than the latter."

There are, in fact, more passages in the Talmud and in the rabbinical literature which prove what the practice was like but which are not quoted by Rohling and Justus. For example:

In the neighbourhood of Rabbi Meir there lived wicked people who vexed him to such a degree that he implored God to destroy them. But his wife Beruria said to him, What is written? May the sinners pass away? No, it is only written, May the sins to pass away. Therefore you had better implore God that the evil-doers mend their ways and become good people. *Berachoth* 10a; compare *Taanith* 23 b.

Yea, even if a righteous man persecute an evil-doer, God seeks the persecuted one. From what reason? Answer: It is written (God seeks the persecuted) Rabbi Jehuda, the son of Rabbi Simon, says in the name of Rabbi Jose, the son of Rabbi Nehorai: The Holy One — praised be he — thus revenges the blood of the persecuted on the persecutors. *Midrash Rabba* Lev. 27; N. and W. 120.

Be with the persecuted, and not with the persecutors. *Sanhedrin* 49.

One day the Holy One — praise be to him — will revenge the blood of the persecuted on their persecutors. From this thou canst prove that, even if a righteous man persecuted an evil-doer, God in any case seeks the persecuted. *Tanchuma, Emor* number 9; N. and W. 121.

There is a widely-held view that the commandment to love one's neighbour does not extend to the heretic and the enemy of the Jewish people. But this view is baseless.

*Aboth de Rabbi Nathan* (end of chapt. 16) deals with the hatred of man which, according to the dictum of Rabbi Joshua, a contemporary of Rabbi Akiba, belongs to the qualities which "put a man out of the world" *Pirke Aboth* II, 16), and it is taught:

One shall not say, Love the wise men, and hate the pupils, or: Love the pupils, and hate the uneducated, but: Love all, and hate the sectarians (Minim), the apostates (Meshumadim), and the informers, just as David also says: Do not I hate them, O Lord, that hate thee? and am not I grieved with those that rise up against thee? I hate them with perfect hatred; I count them mine enemies (Ps. 139: 21; 22). Likewise it says, Thou shalt love thy neighbour as thyself, I am thy Lord. That means, I have created him, and if he helps the cause of thy people thou shalt love him, if not, thou shalt not love him.

In opposition to this, Rabbi Simon ben Eleazar says, With a great vow this word has been proclaimed, Thou shalt love thy neighbour as thyself, I am thy Lord. I, the Lord, have created him. If thou lovest him I shall keep my promise to pay thee good reward, if not, I shall be a punishing judge.

The commandment of loving one's neighbour was confirmed, therefore, by an oath which cannot be ignored.

## VII. Prayers for the Well-being of the Pagan Peoples.

John Lund, a Protestant preacher of Tondern in Schleswig, had, at great pains, acquired an extensive knowledge of the Talmud. In his book, *The Ancient Jewish Sanctuaries*, Hamburg,



1771, he writes (p. 634) about the relations of the Jews to paganism and to the pagan peoples:

Not only were the offerings of the pagans accepted in the Temple if they were brought or sent thither from awe of the God of Israel, but the Jews, when offering their own sacrifices, also included the pagans in their prayers, especially distinguished sovereigns who either were their rulers or with whom they lived in amity; sometimes they also voted splendid and magnificent offerings for their welfare. Thus, they prayed for the life of the Persian king Darius and for that of his children, when they offered their sacrifices (see Ezra VI, 10). When Nicanor came to the temple in a hostile mode, the priests and the elders of Israel went out to receive him peaceably, and to show him that they had for a long time been offering great sacrifices for his king (1. Macc. VII, 33). When Ptolemy Philadelphus sent presents to Jerusalem, the High Priest wrote to him among other things: We have, from this moment, offered up sacrifices for thy person, for thy kind sister, for thy dear children, for all thy loyal councillors and functionaries; besides the people have prayed for thee in order that God may grant thee long health and a happy reign (Jos. *Ant.* 12, 2). The High Priest Jonathan, brother of Judah Maccabi, wrote to the pagan council of Sparta: Know that we always think of you in our prayers and offerings. (1. Macc. 12, 11; Jos. *Ant.* 13, 9.) We diligently offer up sacrifices for the emperor, and for the Roman people, and we think of them in our daily prayers. We do honour to the Roman emperors as to nobody else on earth (Jos. *Cont. Ap.* 2). The Jewish ambassadors told the pagan Emperor Caius that they offered sacrifices and prayers for him in the Temple; three times in a particularly solemn way (1) when he became ruler; (2) when he recovered from a grave illness; (3) when he had defeated the Germans (Philo, *de leg. ad. Cai.*, p. 805). For the Emperor Augustus, there were every day offered two lambs and a bullock, and that at the cost of the emperor, as Philo reports (ibid. 801).

"The pagans were not only tolerated in the Temple, but, according to tradition, one prayed to God for their welfare. Especially at the Feast of Tabernacles, 70 sacrifices were offered for the 70 peoples. That the Jews are bound to pray for the non-Israelites follows, besides, from several passages of Scripture. Thus, for instance, Abraham prayed for Sodom. Jeremiah admonishes the Jews to pray for the welfare of the city whither they are banished. According to Ezra, the Jews are to pray for the lives of the king and of his children. In the book Baruch it says that the Jews of Babylon sent money to the High Priest in Jeru-

salem for the purchase of sacrifices and incense in order to pray for the life of Nebuchadnezzar and of his son. The High Priest Jonathan, when he contracted an alliance with the State of Sparta, sent word: 'At our festivals, we mention you in our offerings, just as we pray for ourselves. We not only pray for our friends, but for all the inhabitants of the earth.' Philo and Josephus report the same thing about the Jews. This custom was continually practised among the Jews. To this day, they pray on the Day of Atonement and on the New Year's Day for the welfare of the whole of mankind. This is the wording of the prayer: 'Lord, our God, inspire all thy creatures with thine awe, that all beings may fear thee, and all creatures may bow to thee, and that all may unite in one covenant to do thy will wholeheartedly'" (Molitor, *Philosophy of History*, III, p. 84).

The same author quotes other passages:

The souls of the Israelites and of the pagans come from the same source (*Tosafoth Aboda Zara* fol. 5r). The superiority of man over the animal is the soul which came down from the spirit of God to the aliens as well as to the Israelites (*Midrash Wayikra*). Just as Israel carries out the commandments of God, so do the pagans also; just as Israel praises the Almighty, the pagans, too, praise God. As it is written in the Scriptures. From morning till evening his name is great among the pagans (*Midrash Tanchuma*, fol. 25r). God will grant to the righteous of the pagans the world to come. For it says: Thy priests are clothed in righteousness, these are the righteous among the pagans who are also called the priests of the Eternal (*Midrash Yalkut*, fol. 256).

## VIII. Friendship between Talmudists and Heretics.

The attitude of the most authoritative Jewish teachers of the law towards heretics in actual life is best illustrated by the singular relations between the great Rabbi Meïr and the heretic Elisha ben Abuya, which are surrounded by a halo of romanticism, and prove that the imprecations against heretics as well as the precept to throw heretics into the pit and not to save them hardly had any serious meaning to the teachers of the law.

Elisha ben Abuya was a heretic with all the attributes appertaining to an apostate. Already as a youth, he once dropped

in the college the writings of Homer and the books of the sectarians (*Midrash Ruth*); he then eagerly pursued profane studies, penetrated deeply into the enchanted garden of Greek philosophy, which enslaved and captivated his mind so that he finally cut himself adrift from Jewish religion and denied its fundamental principles.

It was a time of distress, the period of cruel persecution by the merciless rulers of the pagan Roman empire. Lecturing and ordination of disciples was punished by cruel forms of capital punishment; when the celebrated Rabbi Akiba rebelled against the prohibition he was flayed with iron combs and thus tortured to death. The teaching of religion was the only means of preserving Judaism — but Elisha went from college to college, and admonished the disciples to desert their studies, and to turn to a practical profession. Some will have it that he kept up intimate relations with the Roman rulers.

Notwithstanding this, Rabbi Meir listened to the admonitions of this heretic, was devotedly attached to him, and worshipped him as his master. Some stirring incidents are mentioned in this connection. Rabbi Meir is delivering a discourse on Sabbath in his college in Tiberias, when the arrival of his teacher is announced. He at once brings his discourse to a conclusion and rushes out to meet Elisha (*Jerushalmi Chagiga* II, 1).

The Talmud avoids mentioning his name, and calls him "Acher", the other. But in the treatise *Pirke Aboth* 4, 25 he is called by his full name, and a wise saying of his is preserved for posterity.

But in the liturgy also a faint memory of the past pursuits of this strange man is kept. And this slight trace has brought down upon Judaism multifarious criticisms and accusations.

Of course, the question was discussed how it was possible that Rabbi Meir should have taken lessons in the Torah of this heretic. And the answer was:

As one enjoys a pomegranate: he ate the kernel and threw away the rind. *Chagiga* 15b.

Numerous legends sprang up as to his passing away, all of them giving expression to the idea that his disciples were faith-

ful to him beyond the grave, and that by their intercession he inherited eternal blessedness.

Rabbi Meir placed his cloak on the grave of his master, and said: Peace be to thee in the night of earthliness; on the morning of blessedness the All-merciful will redeem thee; if not I will redeem thee.

Such was the practice of the authors of the Talmud towards an arch-heretic.

## IX. "The Best among the Goyim may be slain."

In Rohling's book "*My Answers to the Rabbis*", one reads p. 47:

Therefore it is written in the Talmud *Soferim* 13 b and *Aboda Zara* 26 b: The best among the Akum (some editions have Goyim which, of course, alters nothing) slay.

In a letter to the Provincial Court of Lemberg, Rohling, as evidence that the Jews are permitted to murder Christians, referred to this maxim, which he quoted in Hebrew letters.

After all the numerous laws of the Talmud cited above according to which the life of the non-Jew is under the protection of the religious law equally with the life of the Jew; when it is even forbidden to give a Goy water to drink that is perhaps unwholesome (*Tosefta Terumoth* 7, 14); after all teachings that the righteous among all peoples have a share in the life to come, and that in certain cases, they are on a plane with the high priests — after all this it is evident that a precept bidding Jews slay the best of the Goyim is inconceivable.

As early as the middle ages, in the year 1240, this maxim was the subject of denunciation on the part of a convert by the name of N. Donin — as a Christian, Nicholas — which the famous Tosaphist, Rabbi Yechiel of Paris, refuted in a disputation before a learned commission, and in the presence of Queen Blanche. Yechiel asked the convert whether the source of this maxim was known to him. When he answered "No", the learned rabbi showed the passage in question in the treatise *Soferim* 15, which did not say generally "The best of the Goyim slay", but "Slay the best of the Goyim in time of war".

"In war?" many object, "Why, it is a matter of course that in war one kills every enemy, even the best." But in the circle of Rabbi Simon ben Jochaï it was not a matter of course.

If we wish to go to the root of this maxim, we must know and appreciate several spiritual movements of that time within Judaism and within the early Christian congregations as well.

In *Acta primorum martyrum sincera et selecta* (Acts of the first martyrs, faithfully selected) by the learned Benedictine Dom Ruinart are to be found very remarkable documents about law proceedings in the reign of the Emperor Diocletian. Monceaux, a professor in Paris, dealt with these in his seminary in the *École pratique des Hautes Études* in 1903. There one reads the report about a conscription meeting which was held on the 12th of March, 295 in the town of Thevesta (the Tebessa of to-day, in North Africa. The commission consisted of the proconsul Dion, the fiscal counsel, the imperial agent, and the tax collector, who in case of exemption from military service had to take over the money paid in lieu of it. Other persons concerned were the conscript Maximilianus, the father who accompanied him, and the beadle.

The Proconsul: The conscript Maximilianus is fit for military service.

Consequently he has to be put under the foot-rule. (To Maximilianus:)

What is your name?

Maximilianus: Why do you want to know my name? I am forbidden to become a soldier, as I am a Christian.

The Proconsul: All right. Officer, put this man under the foot-rule!

Maximilianus: As you please. (He places himself under the foot-rule.) But I cannot become a soldier, I cannot do evil. I am a Christian.

The Proconsul: Measure him!

The Officer: He is five feet ten.

The Proconsul: Let him have the badge.

Maximilianus: I do not want the badge, I cannot be a soldier.

The Proconsul: You will be a soldier, or you will be killed.

Maximilianus: I will not be a soldier. You may cut off my head if you like. I cannot be a soldier for the world, I am a soldier for my God.

The Proconsul: (to Victor, the father of the conscript): Advise your son.



The Father: My son knows his duty.

The Proconsul: In the sacred surroundings of our masters Diocletian and Maximian, Constantius and Maximus, there are Christian soldiers who fulfill their military duty.

Maximilianus: They know what they are doing. I, as a Christian, cannot commit an evil deed.

The Proconsul: What evil do those commit who fulfill their military duty?

Maximilianus: You know very well.

The Proconsul: Be a soldier. Remember that your refusal of service may be the cause of a cruel death.

Maximilianus: I shall not die. If it happens that I leave this world, my soul will live with Jesus Christ, my Lord.

The Proconsul: to the officer: Cancel the name of Maximilianus upon the muster roll. To Maximilianus: As you wickedly refuse to fulfill your military duty, receive the sentence which you deserve, and which will be an example to the others. (Reads from a tablet): Since Maximilianus wickedly refuses to take his oath as a soldier he is sentenced to die by the sword.

Maximilianus: God be praised!

The anti-militarist persuasions of these Christian martyrs may be traced back to very old traditions of the Essenes. There are, as is well-known, detailed reports and descriptions of the Essenes by Philo and Josephus who are full of enthusiasm for them.

"Even the sceptic Pliny", says Keim, in his *History of Jesus of Nazareth* 1, 98, "shows sympathy and emotion when describing these 'world-weary ones' who somehow had overcome the misery of mankind which he himself felt so deeply".

Philo in the beginning of his description of the Essenes writes: They live in villages, avoiding the towns on account of the sinfulness prevalent there, knowing very well that just as illnesses spring up because of noxious air, so incurable contagion originates in the soul through society (*Quod omnis probus liber*. Mang. II, 467).

A close investigation of the sources leaves no doubt as to the fact that there were various associations observing, more or less strictly, the Essene ways of living.

In all reports they are described as faithful and reliable; a promise with them was more binding than an oath. They were

also diligent in the study of the Holy Scriptures which they considered a prop for body and soul.

They abstained from amusements as something evil, and deemed it a virtue not to succumb to the passions.

They abhorred war. Artisans producing arrows, lances, swords, helmets, coats of mail, or escutcheons, or armourers, makers of war implements or of anything appertaining to war, or which might lead to evil in peace, are not to be found among them.

Their great enthusiasm for true liberty, equality, and fraternity is extolled (Philo II, 632; compare *Quod omnis probus liber* II, 458).

Rabbi Simon, the son of Jochai, no doubt belonged to the adherents of the Essenes; he was a hermit who lived for thirteen years in a cave, and his utterance, on emerging from his cave, leave no doubt as to his belonging to the Essenes who abhorred war as organised murder; for in the Ten Commandments it says: **Thou shalt not kill.**

But when it came to the final struggle of little Judaea against the world empire, even the Essenes took part in the rising. Though it was against their religious convictions, they justified it by the distress of the time. The revolt against arrogant pagan Rome was a holy war, and in war, murder is permitted without considering that this or the other warrior may belong to the most noble-minded of men.

Josephus writes (*Bellum iudaicum* II, 8; 10):

In the war against the Romans, the Essenes gave astonishing proofs of constancy and magnanimity. They were tortured to death, put on the rack, their limbs were dislocated and burnt — but no mortal pain could wring from them any blasphemy of their Lawgiver. They did not even try to alleviate the rage of their tormentors, they did not shed a single tear in their excessive pain, but rather smiled in their agony, mocked their executioners, and went willingly to death convinced that they were entering upon eternal life.

The furious rage with which the Essenes were persecuted by the Romans in this atrocious war testifies clearly to the active part these men took in this revolt, unique in history.

Among the Essenes, there were many discussions about the

right to take part in the war; thus the maxim of the Rabbi Simon becomes comprehensible.

The figure of Simon bar Jochai is glorified by a halo of legends.

It is on record in the Talmud:

Rabbi Simon ben Jochai and his son were denounced to the Romans on account of a remark against the alien rule. When achievements of civilization of the Roman rule were praised in his presence, he would retort: "All this the Romans did only for selfish reasons: they built market places as rendezvous for public harlots, they built baths to indulge in sensuality, and they constructed bridges in order to collect tolls."

Rabbi Simon and his son had to flee for their lives and hid themselves in a cave, in which they remained for twelve years, and got food only by extraordinary miracles. After the expiration of these twelve years, the Prophet Elijah came to the entrance of the cave and called aloud: "Who notifies the son of Jochai that the emperor is dead and his writ cancelled?" Then the two men came out of the cave. And they saw the men plough and sow. And they said: "The people neglect the matters of eternal life and occupy themselves with the earthly life." And whithersoever Ben Jochai and his son turned their eyes, there everything burned. Presently, there came a voice from heaven: "Have you come out of your cave in order to destroy my world? Go back to it!" They went back and remained there for another twelvemonth. In conclusion it is related that after the expiration of the twelvemonth a voice from heaven ("Bath Kol") again calls them, and then Rabbi Simon says, 'Since a miracle has happened I wish to inaugurate a good institution. Jacob who had escaped from Esau to Shechem through a miracle established markets in Shechem; others say that he improved the monetary system, others again, that he built bathing-establishments.' He asked Rabbi Pinchas, 'Is there anything that wants improvement?' and then he declared Tiberias to be clean.

The oldest source of the maxim, *Mechilta on Beshalach* 14, 7, is rendered by Nöldeke and Wünsche (number 96) as follows:

"The *Mechilta* puts the question how it came about that Pharaoh raised the necessary teams for the war-chariots of his army as, according to the Torah, all the cattle of the Egyptians had been killed off by the plague, and the cattle of the Jews had been taken along with them so that there were none left. Now, according to Exod. 9: 20, there were Egyptians who feared the God of the Jews, and who saved their cattle in due time in the stables, just as the Jews did. This taught them a lesson: the cattle which the god-fearing Egyptians had saved became a danger to the Israelites. Therefore, Rabbi Simon used to say, 'Kill the best among the peoples, crush the brains of the best among the serpents.'

From this it follows that in the original passage, which contains the maxim of Rabbi Simon, the point in question was the situation of the Jews before the battle of the Red Sea, a state of war. That is why it would have been superfluous to add the words "in time of war".

It is different in the other passages.

Rabbi Simon, the son of Jochai, said, Kill the bravest among the Goyim in time of war. *Soferim* 15, 10.

Nöldeke and Wünsche add by way of explanation: "So says the best text, in the edition of Joel Müller".

Both professors state further:

All the original texts have in this place the addition, "in time of war".

This is also stated by the Tosaphists.

"One does not pull them out, and one does not throw them in." If you object, "But it says in the treatise *Sofrim*, chapter 15, 'Kill the best among the Goyim', so that one is bound to put them in danger of their lives," the answer is: In the Jerusalem Talmud, Treatise *Kiddushin*, it is explained that this (this maxim) applies only to times of war, and the proof is derived from Ex. 14: 7: "And he took six hundred chosen chariots". And where did they come from? From those who feared the word of God. Though it is quite possible that the Goyim commit idolatry and trespass against the seven Noachian commandments one must not push them down in any case (except, of course, in times of war). *Tosafoth Aboda Zara* 26b; N. and W. 98.

Exactly the same words are contained in *Yalkut Reubeni*, on *Beshalach*. Nöldeke and Wünsche (Nr. 99) add:

In the Jerusalem Talmud side by side with this is written, 'Even the best doctor goes to hell; the best butcher is an associate of Amalek's (doomed to extermination); the best woman practises witchcraft (is, therefore, deserving of death)'. Every reader recognised the exaggeration in these maxims, and nobody took them seriously, any more than the contiguous one that one ought to kill the best Goy.

At all events, it is significant that a maxim of Rabbi Simon's, the son of Jochai, who had been a close witness of the desecration of Jerusalem and the atrocious terrors of the Hadrianic time, should be adduced to prove that the Jews of the present time are obliged to kill Christians.



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## CHAPTER IX.

### THE "BEAST" FICTION OF JEW-HATRED.

#### I. Non-Jews as Dogs, Asses, Pigs.

One of the most malicious and incendiary slogans, coined by Rohling, which is repeated with great effect in all anti-Semitic libels and inflammatory meetings, is that the Jews do not regard the Christians as human beings, but as a species of animals. In the notorious report to the judges in Dresden, he deposed on oath:

To the Jews the Christians are like cattle, therefore, in dealing with non-Jews the oath of the Jew is null and void, for what value has an oath against an animal?

Rohling, then, alleges in sober earnestness that the Jews not only disparage their Christian fellow-citizens by indecent abuse, but that they really regard them as animals, deny them human nature. In a public meeting in Vienna, and at the subsequent trial before a jury, these passages were read aloud, and created quite a sensation (*Records and Opinions in the Lawsuit Rohling vs. Bloch* 69).

An anti-Semitic agitator, Franz Holubek, convened a meeting of christian tradespeople in the Grosse Neugasse in Vienna on April 4, 1882, where, with Georg, Knight of Schönerer, in the chair, he delivered a speech in which he said among other things:

Judge for yourselves whether such a people still has a right of existence in a civilised society.

I do not want to inflame you, but listen and feel! This book — the Talmud! Do you know what is written in this book? The truth! And do you know how you are described in this book? As a herd of swine, of dogs, of asses!

The public prosecutor descried in this speech an offence

against public peace and order, punishable according to the Penal Code.

In the trial before the jury, on October 28, 1882, upon the demand of the defendant's counsel, the following quotation from Rohling's "*Talmudic Jew*" was read aloud by the President Knight of Karajan:

Yes, to the Talmud the non-Jews are dogs, for it is written of the holy feasts in Ex. 12: 16 that they are for Israel, not for the aliens, not for the dogs. (*Megilla* 7, 2.) Rabbi Moses ben Nachman repeats this with the variant: For you, not for the Goyim, for you, not for the dogs, are the feasts. So does Rashi on Ex. 12: 16, in the edition of Venice; while in the Pentateuch of Amsterdam the commentary of Rashi drops the addition 'not for the dogs'. Like dogs the non-Jews are also asses. (*Berachoth* 25, 2), and Abarbanel says, The chosen people is worthy of the eternal life, the rest of the peoples are compared to the asses (on Hos. 4, f. 230, 4).

The public prosecutor, Julius Baron of Soos, remarked: "I do not object to the reading. I cannot deny that this passage occurs in the Talmud." This concession, of course, created a sensation among the public and on the bench of jurors.

But the Vienna public prosecutor confused Rohling's "*Talmudic Jew*" with the Talmud. The defendant was of course unanimously acquitted. Advised by experience of the inflammatory power of this slogan, Justus uses it in innumerable passages, with the evident aim of getting the uninitiated reader to believe that the Talmud, somehow and somewhere, actually contains such remarks.

Notwithstanding this, there is nothing more mendacious than the passages quoted by Rohling. Both the Bible and the Talmud promulgated the most sublime views of the dignity of human nature.

Concerning the origin of man, doctrines, developed by Jewish thinking, gained dogmatic authority in the Bible. Man's body was formed by God of earthy matter, his spirit of the Divine breath (Gen. 1: 27; 2: 7). He is distinguished from the other creatures by his soul having been breathed into him by God himself, and thus having affinity with and resemblance to God. "God created man in his image." This resemblance to God gives

him his superior dignity, the imperishable moral strength to fight the force of sinful impulses and sinister passions, and thus to **aspire to the ideal height of humanity.**

The second fundamental doctrine teaches that God created a single couple of human beings, which implies that the whole of mankind, with all its varied branches of races, peoples, tongues, is derived from that couple and forms one moral organism. The offspring of the first couple are stamped with the image of God as were the first humans (Gen. 5: 3). Between man and man, then, there may be a difference of virtue, but not of origin, this being common to all. To degrade the non-Jewish peoples to a sort of beasts, as, for instance, Greeks and Romans thought of the origin of their slaves, would be an offence against the **first two principles of Biblical doctrine.**

In Job we read: "If I did despise the cause of my man-servant, or of my maid-servant, when they contended with me; What then shall I do when God riseth up? and when he visiteth, what shall I answer him? Did not he that made me in the womb make him? and did not one fashion us in the womb?" (Job 31: 13; 14; 15.)

The idea of the unity of mankind pervades the entire Biblical literature, and for this very reason it is absolutely unthinkable and dogmatically impossible that the Talmud should have given expression to a contrary principle. As a matter of fact, the Talmud repeatedly praises the idea of the unity of mankind as the most important doctrine of the Bible. In *Jerushalmi Nedarim* IX, 4 and in *Sifra* on Lev. 19: 18 the following tradition is found:

"'Thou shalt love thy neighbour as thyself.'" Rabbi Akiba observed on this: 'This is the greatest fundamental axiom of the Torah.' Ben Azai said, "'This is the book of the generations of Adam', (Gen. 5: 1) is a still greater fundamental axiom than the first."

The Biblical story of creation is the most effectual plea for the equality and fraternity of mankind. "The doctrine of Man" is the doctrine of mankind, and, therefore, that maxim is, according to Ben Azai, the most important in the whole Bible.

Rohling founds his charge on several passages which we shall examine in succession.

In his paper *My Answer to the Rabbis*, p. 4 we read:

At all events the non-Jews might protest against being labelled as dogs *Megillah* 7 b, as asses *Berachoth* 25 b, as the seed of cattle *Yebamoth* 94 b; the prayerbook of Prague goes so far as to call Christianity Edom, the pig.

The same is repeated on pp. 5 and 6. On p. 20 he says:

The *Shulchan Aruch* caps the climax by placing the Akum below the dogs, for it teaches that the Jew is permitted on festivals to put more food into the pot than he requires for himself, in case the surplus was designed also for the dogs, while for an Akum no surplus must be put in because one was not bound to let the Akum live. *Orach Chayim* IX, p. 512, 3 and 1, Haggadah; cf. *Betsa* 21. According to Rashi one may, throw a piece of meat before a dog, but not before a Nochri because a dog is better than a Nochri. On Deut. 14:21.

And on p. 23:

Actually it says there in Ber. 25a, that the Jew must not say the prayer, "Hear, O Israel, the Lord, our God, the Lord is One", in presence of a Goy, because he is an obscene subject, though some of Noah's children gave proofs of shamefacedness by covering their father.

On p. 24:

The Machsor of Prague calls the Christians asses (Ber. 24).

On p. 37:

Rashi found out, as I reported, from Deut. 14, 21, that even a dog is better than a non-Jew.

In the *Talmudic Jew* p. 59:

Abarbanel teaches that an alien woman who is not a daughter of Israel is cattle. Matk. h. in p. tavo.

In connection with the lawsuit Rohling *versus* Bloch, all the texts quoted here were examined and translated by the sworn experts Professors Dr. Theodor Nöldeke and Dr. August Wünsche, with the result that the "exposures" turned out to be atrocious fabrications.

Let us first examine the passage in which the Christians are labelled dogs, and which also Dr. Justus quotes under Law 13.

The precepts of the Pentateuch, Ex. 12:16, contain the commandment for the festivals: "No manner of work shall be done in them [in these days], save that which every man must eat, that only may be done of you."

The meaning of this commandment is clear: the festivals are not to be given over to work. On the Sabbath, the preparation

of food is also forbidden, and everything must be cooked the day before; that is why the Jew may invite the non-Jew to take a meal with him on a Sabbath. (*Shulchan Aruch, Orach Chayim* 325, I.) On festivals, on the other hand, cooking is permitted, but it is restricted to what is absolutely necessary for the household. Each family celebrated the festivals for itself, and it is obvious that it is not permitted to invite a stranger (non-Jew) to these festivals which are of an exclusively religious nature, and that one must not cook for him. But it is just as obvious, as well, that, the meals were being cooked for the non-Jewish servants also, because their maintenance is incumbent upon the paterfamilias. In the Talmud this question is discussed in the following way:

"How about the domestic animals, and their leading representative, the house-dog? [Herbivorous animals, such as horses and horned cattle, needed no consideration in regard to cooking.] In *Megillah* 7b the rigorous opinion is held that "for you" means "not for Nochrims and not for dogs".

To this Nöldeke and Wünsche (Nr. 151) add what will probably strike every unbiassed reader as abvious:

The parallelism of Nochrims and dogs by no means proves an identification of both, but rather shows that on the one hand actual strangers, on the other hand actual dogs are meant.

*Betsa* 21 holds the less rigorous, and, if one may say so, the more sensible opinion that one may cook also for dogs, and gives the following explanation:

I prefer the dogs, because their maintenance concerns thee, and I exclude the Cuthaeans, because their maintenance does not concern thee. [Cuthaeans is the name for Samaritans. As the Samaritans celebrated the festivals, like the Jews, according to the commandment of the Pentateuch, their being mentioned is quite in place. Nöldecke and Wünsche 152.]

The words explaining that the maintenance of his dog concerns the paterfamilias, and that the maintenance of strangers does not, which signifies that the labour of cooking should be restricted to what is absolutely necessary for the household, are changed by Rohling, with unmistakable falsification of the purport, into the words, "because one is not bound to let the Akum live". Rashi (Nöldeke and Wünsche number 153) falls in with



the views of *Betsa*, while Moses ben Nachman (Nöldeke and Wünsche number 154) sides with *Megillah*, and in such words that Nöldeke and Wünsche are induced to give the following explanation:

Here the dogs are quite distinctly pointed out as actual dogs, and there can be no question that the author identifies them with the Goyim. He does not even depreciate the Goyim by literally quoting the old rule to refute the view according to which one is permitted to cook food for the dogs on festivals.

The passage in the *Shulchan Aruch* by which Rohling wants to prove that the Jew is not bound "to let the Akum live" runs thus:

(1) One does not cook for the requirements of the Cuthaeon on the festival, therefore it is forbidden to invite him lest he (the Jew) cook more for his sake; but this only holds good if it is a question of inviting him; but it is permitted to send him food (by another Cuthaeon) into his house. It is, however, permitted to let his servant, man or woman, or a messenger who has been sent to him, or a Cuthaeon who came by himself, dine with him; there is then no fear that he might cook more food for their sake. Hagaah. And it is permitted to cook more (food) on account of his servant and of his maid-servant in the same pot in which he cooks for himself; but it is forbidden on any account to do so for the other Cuthaeans . . .

(2) It is forbidden to cook or to bake for the need of the dogs, but it is permitted to lay by food and to put it down before them. Hagaah: And likewise it is forbidden to knead bran for the birds, except with a change, and it is permitted to cook more food on account of the dogs in the pot in which one cooks for one's self, and that also in case one has some other food for the dogs. *Orach Chayim* 512.

Nöldeke and Wünsche (Nr. 155) observe on this:

All these quibbles have the innocent aim of circumventing the strait-laced interpretation of the commandments of the Pentateuch, in keeping with practical requirements.

Rashi on Deut. 14, 21 (N. and W. 156) contains nothing but the rendering of the Biblical text in almost the same words.

As to Abarbanell in the Bible commentary *Par. Tavo* (Nöldeke and Wünsche number 158) the passage quoted is to be found in the Czernowitz edition 1860, V, p. 120, 2. It treats of Delilah, the adulterous wife of Samson, who betrayed him to his

enemies; she, to be sure, is placed on a par with cattle to which marital fidelity is foreign.

It is worth mentioning that the Holy Scripture says of a wife of Samson that he characterized her as a "heifer" with which others had ploughed (Judg. 14: 18).

Such is the nature of the proofs for the statement that the Jews look on the non-Jews as "dogs".

The allegation that they are called "asses" is just as little founded on fact.

In *My Answer to the Rabbis* Rohling says on p. 23:

In fact we read there that the Jew must not say the prayer. Hear, O Israel, the Lord, our God, the Lord is one, in the presence of a Goy, because the latter is an obscene subject, though some of the children of Noah's (Japhet and Sem) by covering their father gave proof of shamefacedness.

Here is what the passage actually says:

Rabbi Jehuda said: It is forbidden to say the Shemah, i. e. the prayer Hear, O Israel, The Lord, our God, the Lord is one (Deut. 6,4) in the presence of a naked Nochri (non-Jew). Why does he mention a Nochri since one is not permitted to say the Shema in the presence of a (naked) Israelite? (Answer): That it is forbidden to pray in the presence of a (naked) Israelite goes without saying, whereas it is necessary (to state it expressly) that it is forbidden in presence of a Nochri. You might conclude from the fact that it is written of them (Ezek. 23: 20): "Their flesh is as the flesh of asses", they (the Nochrims) are to be looked upon as asses (the nakedness of which one does not consider, since the animals have no shame), therefore he makes expressly known to us that they also are called nakedness (shame), for it is written (Gen. 9:23): "And they saw not their father's nakedness". *Berachoth* 25b; N. and W. 157.<sup>1</sup>

(1) One of the human characteristics is shamefastness (Erwa) which term in Lev. 18 is repeatedly applied to Jews, whereas in the same chapter, verses 22 and 23, dealing with the Sodomitic sin ("Thou shalt not lie with any beast") do not use this term. A human being with the membra pudenda bared is an obscene sight; the beast needs no covering. The beauty of a nude human body gave the Greeks a feeling of devotion; the rabbis thought very little of such devotion and forbade prayer in presence of a naked human body.

The Roman ladies were not ashamed to dress and undress in the presence of their male slaves, and to be waited upon by them. For slaves were not human beings in their eyes.

The Talmudist forbids the prayer in presence of a naked non-Jew. He is asked at once why he speaks of a non-Jew since one must not say the prayer in presence of a naked Jew either. So he justifies himself: Among Jews this goes without saying. It need not be mentioned; but somebody might infer, from a saying of the Prophet Ezekiel, that a non-Jew is not a human being; this is now refuted by the Torah itself.

Ezekiel, the mighty prophet, who with words of fire chastised the degeneration prevailing among his coreligionists and chose the most incisive terms to condemn the sins of his time and of his people, said hard words also of the women of that time. According to his rebukes, it seems that many Jewesses lusted after pagan lovers, "horsemen riding upon horses, captains and rulers clothed most gorgeously, all of them desirable young men, exceeding in dyed attire upon their heads, all of them princes to look to" (23: 5; 6) and practised forbidden intercourse. In order to point out to the degenerated women the extent of their wickedness, in order to convey that it was not a matter of excusable human frailty, but the gratification of bestial appetites he refers to these pagan paramours (23,20) as asses and stallions according to the Vulgata: "quorum carnes (Genitalia) sunt carnes (Genitalia) asinorum et sicut fluxus (seminis) equorum fluxus (seminis) eorum", whereby it goes without saying that the "ass" here is not pointed out as the symbol of stupidity, but as the representative of unbridled physical vigour.

For literalists the interpretation might be possible that the prophet called the pagans of that time "asses and stallions". Hence the remark of Rabbi Jehuda *à propos* of the Halacha that one must not say the most sublime prayer in the presence of a naked man.

It is significant of the high moral standard of the Jews in Biblical times that they preserved the denunciations of the prophets with the same reverence as the other nations cherish the tokens of their fame and the hymns of their victories. So there is no better proof of the vain imperialism of the occidental nations than this, that in the Austrian and Prussian Parliaments many rebukes of the Hebrew prophets were read aloud, amid

the cheers of the elect of the nation who bailed them as proofs of the wickedness of the Jews. As if in Europe material was lacking for rebukes! Only the prophets were wanting. Instead of them one was satisfied with court-chaplains who flattered partly the sovereigns, partly the sovereign people.

The well-known historian B. G. von Niebuhr praised the sincerity and reliability of the Old Testament historical records in the following words.

The Old Testament is the single exception (among all the other historical works) to patriotic mendacity. It never veils or hushes up an adversity of the people whose history is told in it. Its truthfulness is the most distinguished in historiography also for him who does not believe in inspiration. At the same time, I must claim for the Old Testament besides absolute veracity, the strictest accuracy among all the historical sources.

Similarly, the devout Catholic, Pascal (1623–1662) speaks of the admirable frankness of the Jews and of the faithfulness with which they cling to the Bible which records their ingratitude to God, how they angered him by their idolatry, and how He punished them for it.

And to this book, that relates so many evil things of them, they cling with their whole heart, and defend it at the cost of their lives. This is unparalleled sincerity. *Pensées sur la religion* VIII.

Rohling in *My Answer to the Rabbis* (p. 24) says briefly and evilly:

The Machsor 39a edition Prague calls the Christians asses.

This manner of quoting is about the same as if one wrote: See Bible, edition Leipsic p. 137. Rohling copied Eisenmenger. Nöldeke and Wünsche found the passage in a prayer which does not belong to the Machsor, and both declare briefly and succinctly: The situation is that of the "enslaved Israel" speaking in Egypt in the time of Moses.

For "the pig" the Machsor (edition Prague) is again quoted. Nöldeke and Wünsche found the passage and they explain:

Bears, panthers, lions, boars — a symbolic presentation of the empires which in turn oppressed Israel, and which are interpreted as Persians, Greeks, Babylonians, and Romans. In passing be it remarked that here the wild boar is alluded to, consequently not as the symbol of uncleanness but, as in the case of the other three beasts, as the representative of wild, unbridled force. The passage evidently alludes to the vision in

Daniel 7:3—17. Rohling identifies ancient Rome of the old prayer by which is meant the Roman empire that definitively put an end to the Jewish state, with Christians.

As his authority for "seed of cattle" Rohling quotes *Yebamoth* 94b *Tos.*, without giving the words of the passage. He simply copied Eisenmenger, without even bothering to consult the Talmud to ascertain whether there was anything like it to be found. Franz Delitzsch did not find the passage, and Nöldeke and Wünsche do not find anything, even in the little mutilated edition of Amsterdam, "that bears any resemblance to the quotation of Rohlings".

## II. Graves of Non-Jews.

The Talmud teaches again that the graves of the Goyim do not contaminate Israel because the Jews alone are human beings, while the other nations have the nature of beasts. Rohling, *The Talmudic Jew*, p. 58.

He refers to *Baba Metsia* 114b. Again, in *My Answer to the Rabbis*, p. 23, "That the Akum are not human beings, but animals. *Yore Deah* 372, 2; cf. *Yebam.* 61."

*Yebamoth* 61a reads (N. and W. 159b):

It has been taught: And thus Rabbi Simon ben Jochai spoke: The graves of the Nochrims do not contaminate in the tent, as it says, ye are sheep, sheep of my pasture, ye are men, i. e. you are called men, but the Nochrims are not called men (Ez. 34:31).

Nöldeke and Wünsche comment on this:

But this is immediately followed by the discussions of several passages in which the non-Israelites are expressly called "men". Compare number 166, in which, in the main, the same passages are quoted.

On no account may we infer from these or similar utterances a common Jewish view or doctrine that the Goyim were not human beings.

In elucidation of this passage, we add the following:

According to the Biblical law, the corpse as well as the grave of a man is unclean; an Aaronide (priest) is not permitted to touch a corpse or to step on a grave.<sup>1</sup> This law was observable

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(1) It was a generally accepted, undisputed maxim that the body and grave of a signally pious and virtuous man are not unclean.



before the great war of revolution. In the several years' war against the Romans, in which, according to the reports of Josephus, many hundreds of thousands were killed on either side, the small country of Palestine came to be looked upon as a single grave. There were not four square yards of ground in the home of the Jewish priesthood that could be certified as free of corpses. The law became a calamity for the Aaronides.

Simon ben Jochai, after leaving his cave, successfully insisted on a qualification of these commandments of cleanliness.

The town of Tiberias, with its hot medicinal springs, built, as is well-known, in honour of the emperor Tiberius stood partly on graves. Some parts of the town were quite inaccessible to the priests; in pious circles, the town was called the town of graves, so that it was only possible to coax people to settle there by offers of gifts and privileges. (Josephus, *Antiquities* 18, 2; 3. Rabbi Simon examined the different quarters of the town, and marked the spots where there were corpses; he had these removed later on, and declared the town "clean". When, nevertheless, voices were raised against this declaration, he referred to an old tradition which countenanced this declaration of cleanness. (*Jerushalmi Shebuoth* 9, 1.)

Continuing his efforts, Simon ben Jochai tried to declare the innumerable graves of the Roman warriors in Palestine as "clean" in order to restore to the Aaronides, in part at least, the old freedom of moving from place to place.

In the law regarding pollution through the dead are found the words *adam ki yamuth*, when a man dieth (Num. 19, 14). This evidently does not mean "anyone whosoever", but one belonging to those to whom this law applies. The code of law of every country means by "anyone" a national. "One" or "somebody" is expressed by the word "Adam"; Adam, the object of the law, is the Jew; but man as the creature of God, distinguished by the godlike image, is every man without any discrimination. But here the word of the law applies to the Jews exclusively, and therefore Rabbi Simon declares that the law about the pollution through graves applies to those Israelites only to whom the law is addressed. Nay, more: the graves of

the Israelites of the time before the passing of this law are not included in this commandment: even the graves of the patriarchs are to be looked upon as graves of the sons of Noah.

"Graves" before the word (before the passing of this law) or the graves of the patriarchs do not pollute in the tent. *Nazir* 54 a.

Rashi on the passage: The fathers before the proclamation of the Torah were like the sons of Noah.

No uncleanness attaches to the pious and their disciples. *Yalkut* on Prov. §944.

When Judah Hanasi died, R. Jannay exclaimed: Priestly cleanness does not obtain to-day. *Jer. Berachoth* 3, 1.

On the day of Judah Hanasi's death, sanctity did not obtain. R. Chayim Cohen said, Had he been present at the death of R. Tam, he would not have observed the laws of cleanness. *Tosafoth* on *Kethuboth* 103 b.

It is evident from this that the "cleanness" of non-Jewish bodies cannot possibly have any inhuman connotation.

The grave of a baptised Jew, on the other hand, is looked upon as the grave of an Israelite (*Yore Deah* 372, 2 Hagaah), for the dead belonged to the company of those to whom the law was addressed.

Logical and simple as this argument is, the Talmudist according to his method, required a special proof in a passage of the Bible. For the concept "man", the Hebrew language has three terms: Ish, Enosh, Adam, the last word having a twofold meaning, equivalent to both: the generic term "man", and the first typical man created by God. It is a peculiarity of the Book of Ezekiel that in it God apostrophizes the prophet throughout as "son of Adam". (2: 1; 3: 1; 3: 10, 17; 4: 1, &c.) The word "son of man" has here already that mystical connotation in which it is used in the New Testament, and there is no doubt that also the saying of the prophet Ezekiel (34, 30; 31) is to be understood in this sense when he addresses his regenerate co-nationals:

Thus shall they know that I the Lord their God am with them, and that they, even the house of Israel, are my people, saith the Lord God.

And ye, my flock, the flock of my pasture (Adam), are men, and I am your God saith the Lord God.

Ezekiel designates himself, the receiver of the divine revelation, as the "son of Adam", and the faithful god-fearing community as "Adam". Thus we find in *Midrash Rabba* on Lev. section 2, number 8: "The designation "Adam" expresses the love, the friendship, and the goodwill of God for the man thus designated. Thus, God addressed the prophet Ezekiel 'Ben Adam', i. e. 'son of pious, righteous, and charitable men'."

Simon ben Jochai lived in the middle of the second Christian century; the term "son of Adam" had, within the Christian community, just acquired a peculiar connotation. Like Ezekiel, the founder of Christianity applied this term to himself. To this word a deep mystical signification was being attached. Compare Acts 7: 55; John 3: 13; 16; 6: 27; 6: 53; 6: 62; 11: 4; 17: 1. The "son of Adam" is not identical with the common "man"; he is rather a man chosen by God, and the Christian dogma gave a higher, nay, the highest signification to this term: the Christian community distinguished between the "old Adam" (Rom. 6, 6; Eph. 4: 22; Kor. 3: 9) and the "new Adam", Christ (Rom. 5: 19ff.; 1 Cor. 15: 47).

To the Jewish way of thinking, the discrimination between the "old" and the "new" Adam was foreign. The Talmud regards the man created by God not only as the progenitor of mankind, but also as the archetype of humanity, in whose life the panorama of history and of the events of the nations of all future ages is revealed. In Adam he planted the germ for the evolution of future generations (*Baba Metsia* 85b; *Aboda Zara* 5a and *Midrash Rabba* on Gen. section 24); the germ of the civilization of countries and cities (*Berachoth* 31a; *Sota* 46b), the germ of the invention of arts and trades (*Midrash Rabba* on Gen. 24); he was created as the light of the world (*Jerushalmi Sabbath* 2, 4; *Midrash Rabba* on Gen. section 12), as the priest and teacher and firstborn. The words of the Psalmist "Thine eyes did see my substance, yet being imperfect; and in thy book all my members were written" (Ps. 139: 16) — this refers, it says in *Midrash Rabba* on Gen. section 24, to Adam when he was still undeveloped, when God made him see each generation with its teachers, sages, leaders, and chiefs. The life of Adam is called the Book of Psalms (*Yalkut* on Ps. 630).

He was considered the prototype of the destiny of Israel: his breach of the covenant (Hos. 6: 7), his banishment from Eden, the fatherly call made in spite of his offence, "Where art thou?" and the paternal care for his future destiny, were equally applicable to Israel. (Compare *Midrash Rabba* on Gen. section 19.) These views, possibly due to the spiritual movement among the Christian community within Judaism, are reflected in the theory that the word "Adam", in contradistinction to "Ish" and "Enosh", does not mean "man" generally, in its usual connotation, but a man who is distinguished by some particular relation to God, as was Adam who was created by God, and that, therefore, the law about pollution through dead bodies, beginning with the words "*adam ki yamuth*", refers exclusively to Jewish graves.

The Tosaphists found that Rabbi Simon's view was not in harmony with innumerable passages of the Bible, and they interpreted his opinion to mean a grammatical distinction:

Wherever in Scripture that word occurs with the article ("ha adam") it designates every man, "man" generally; but where the word appears without the article preceding it ("adam") it is the designation for a typical man. *Tosafoth Yebamoth* 61a; N. and W. 160.

Moreover, that the distinction between "adam" and "ha adam" was familiar to the Talmudists is evident from *Yebamoth* 63a, where it says that the Jew, as long as he is unmarried or possesses no land, is no "adam"; this, surely, does not mean that an unmarried Jew who possesses no land is cattle and not a Jew or a man.

Rabbi Eliezer said: Every man who has not a wife is not a man, for it says (Gen. 5: 2): Male and female created he them, and called their name (together) Adam.

Rabbi Eliezer said further: Every man who has no land is not a man, for it says (Ps. 115: 16): The heaven, even the heavens, are the Lord's; but the earth hath he given to the children of men. *Yebamoth* 63a; N. and W. 163.

In both passages one reads Adam — without the article!

Finally we mention that the opinion of Rabbi Simon ben Jochai was rejected by his associates in the college.

But Rabbi Isaac said that one does not proceed according to the opinion of Rabbi Simon the son of Jochai (to declare the graves of the non-

Jews as not-polluting) since Rabbi Simon, the son of Gamaliel, is of another way of thinking, as is taught in the treatise *Ohaloth* (compare *Mishna* 18, 9), and the ordinance in our *Mishna* about the practice goes according to him. *Tosafoth* on *Yebamoth* 61a; N. and W. 161.

Justus' *Law* 92 is a brazen lie:

The Jewish priest is forbidden . . . to stay in a house where a dead man is . . . but the Jewish priest may step into a house in which an Akum (Christian) died, because the Akum (Christians) are not to be considered human beings, but beasts. *Yore Deah* 372, 2.

The extent of the shameless forgery becomes apparent when compared with the words of the text which Nöldeke and Wünsche quote:

Of the graves of the Goyim the priest must beware; he must not walk upon them. Some, to be sure, relax the prohibition, but it is more correct to take it rigorously. But the grave of the apostate is just as polluting as that of the Israelite. *Shulchan Aruch, Yore Deah* 372, 2; N. and W. 162.

Nöldeke and Wünsche add:

We reproduce this passage completely. It is just the conclusion that is important: those hated most bitterly, the deserters from Judaism, are in this respect placed on a par with the Jews.

The truth is that, according to the old Jewish opinion, the name "man" is applicable to all beings created in the image of God, but that, as the Bible so often repeats, the Jews, in consequence of the revelation, are a chosen people. Read the following sayings of *Pirke Aboth* 3, and elsewhere.

He (Rabbi Akiba) used to say: Man is loved, for he has been created in the image (of God); very great love has been shown to him that he has been created in the image (of God), as it says (Gen. 9: 6): For in the image of God made he man; loved are the Israelites, for they are called children (of God); very great love is shown to them, that they are called children (of God), as it says (Deut. 14: 1): Ye are the children of the Lord your God. *Pirke Aboth* 3, 18; N. and W. 164.

At all events, Rabbi Akiba wished to express by it that the favour of God towards the whole genus man was such, that he loved to grant him reason and knowledge, which are the image of God. By this I mean the shape which distinguishes the genus man, for in this he consists. In all conscience, in regard to the image of God (which they carry about with them) all the peoples are on a par. For it is not said that only the Israelite has a soul, as (on their side) the foolish Goyim think. Jacob



ben Abba Mari Anatoli (1223) in *Mamad Hatalmidim*, p. 25; N. and W. 165.

The saying of Rabbi Akiba. Man enjoys the special privilege to be created in the image of God, does not refer to Israel only, but to all men, and Rabbi Akiba wants all men to be blessed, also the sons of Noah. Rabbi Lippmann Heller, *Tosaphot Yom Tov* on *Pirke Aboth* 3, 14.

The inferences from the preceding arguments in regard to the opinion of Rabbi Simon ben Jochai are:

(1) The "cleanness" of the graves is not a proof of contempt for the non-Jews, for the same applies also to the graves of those Jews who by devoutness and virtue distinguished themselves, as for instance the graves of the patriarchs and matriarchs.

(2) The suggestions of reform of Rabbi Simon were not inspired by the disparaging opinion that non-Jews are not human, but were aimed at qualifying, to the best of his powers, a Biblical law the strict observance of which under the circumstances was no longer feasible.

(3) Rabbi Simon's view was rejected by the majority of the Talmudic colleges and received no force of law in Judaism.

(4) The maxim: The non-Jew is not called adam, on no account implies that the non-Jew is a beast, since the same is said of Jews who have neither wife nor land.

(5) The peculiar interpretation of Rabbi Simon got its impulse from the Christian community.

(6) The point in question is not a law of humanity, but an ecclesiastical ordinance, whereas it results from the passages already quoted (*Pirke Aboth* 3, 14; *Sifre* on Lev. 18, 5; *Sanhedrin* 59a; *Tana debe Eliahu* c. 9) that in all aspects of humanity, — devoutness, justice, love and salvation, — no discrimination is made between Jews and non-Jews.

In order to prove that the non-Jews are not human beings to the Talmud, Rohling quotes in his book, *Polemics and the Human Sacrifice of Rabbinism* p. 11 a passage from *Kerithuth* 6b.

Here we have an analogy to previous discussions.

The Bible forbids, under penalty of extermination, anointing a man ("adam" without the article) with the holy oil which served for anointing the priests and, afterwards, the kings. Now,

the rabbis explain that the anointing of a thing, of an animal, of a dead body, or of a non-Jew is not to be followed by this severe punishment. A dispute about the reason for this statute follows. They refer again to the passage in Ezekiel in which only the Jew is designated as "adam". On the other hand, there is the objection that in several passages of the Bible, non-Jews are spoken of as "adam", man. The reply is, This is a different thing altogether, for here mention is made of men in contrast to cattle.

Finally, the simple explanation lies in the spirit of the law, which was evidently framed to prevent anybody, in consequence of an anointment to which he was not entitled, from laying claim to priest hood or kingship. As this was only to be feared from a Jew, since a non-Jew could not entertain such designs, the penalty of extermination is inflicted for the anointment of a Jew only and not of a non-Jew.

Our sages have taught us: He who anoints animals and things with consecrated oil is exempt from punishment. He who anoints Goyim and dead bodies with consecrated oil is guiltless.

Admitted for animals and (secular) utensils, for it says (Ex. 30, 32), Upon man's flesh shall it not be poured. Animals and secular utensils, to be sure, are not men. I further admit (he who anoints dead bodies) he too is called dead and not man. Why (is he too) guiltless (who) anoints Goyim? They are men. (Answer): Not so, for it is written (Ezekiel 34: 31), And ye my flock, the flock of my pasture, are men, i. e. you Israelites are called men, but the Goyim are not called men. Now it says (Num. 31: 40), (of Goyim) and men (nefesh adam) sixteen thousand? (Answer): This expression is to exclude animals. But it also says (Jonah 4: 11), And should not I spare Nineveh, that great city, wherein are more than sixscore thousand persons (adam)? (Answer): This expression also is to exclude animals. But if you prefer it say (rather) as Rabbi Eleazar taught us, For him who can be anointed the prohibition of anointing is valid; for him who cannot be anointed the prohibition is not valid. *Kerithuth* 6b; 7 a, b; N. and W. 166.

Nöldeke and Wünsche add by way of explanation:

The prohibition is intended only to prevent non-priestly Israelites from assuming holiness by being anointed; for household stuff, animals, and non-Israelites the prohibition is superfluous, for the anointment is of no meaning to them, as nobody would declare them holy on that account. They cannot, so to speak, be anointed.

### III. Marriages of Non-Jews.

Marriages exist only among Israelites between each other, or among Goyim between each other, but not among slaves. Maimonides, *Mishne Torah, Issure Biah* XIV, 19.

The Canonical Law, on the other hand, says:

By many authorities the view is held that there is no marriage between infidels. For Paul says, Everything is sin that does not arise from faith. The matrimonial alliance of infidels does not rest on faith, consequently it is sin. Thus it is not a marriage, because a marriage is not a sin. Likewise Augustine says, There is no real chastity between an infidel and his wife. But where there is no chastity, where there cannot be chastity, there is no marriage (Corp. jur. can. Decretum Gratiani Pars II, Causa XXVIII Q. 1).

In Corp. jur. Decr. Gratiani Pars. II, Causa XXVIII, Q. II, C. II a Christian is permitted to marry the deserted wife or husband, respectively, of a non-Christian.

Ibid. Q. III, C. I, it is declared to be no bigamy if somebody contracts a marriage before baptism and another after baptism.

May a Catholic grace an heretical wedding-feast with his presence or with a gift? Lessius replies that, as a rule, it is not permitted, because the marriage is null and void; such an alliance is concubinage; the feast is celebrated, and the presents are made as tokens of the joy, and as congratulations on the alliance; but one must not in any way be glad at such an alliance nor congratulate on it. Rector Gobat, 1600—1679 *Alphabetum matrimoniale*. Constantinae 1665, Pars I, p. 172.

Rohling in his "Answer to the Rabbis", p. 23 asserts that the *Shulchan Aruch* calls the marriages of Christians the living together of horses (*Yore Deah* 269, 1; *Yebamoth* 22), and in further argument p. 38 he says:

That the marriages of the non-Jews are not real marriages, because they are an alliance, or, as one might say, a living together of animals, results from what has been said before; it is also taught in *Yore Deah* l. c., likewise in Talmud *Yebamoth* 22 b and 97 b and 67 a. The special reason for the nullity of the marriage, namely that we are animals (sometimes also "susim", i. e. horses) is often stated. See Kidd. 27 Tos. Kethub. 4 Tos. cf. *Yore Deah* 334, 43, Art. 4.

We shall reproduce all the passages referred to in succession in the translation of Nöldeke and Wünsche.

A neophyte who has been admitted into Judaism is on a par with a newborn child. *Yebamoth* 97 b; N. and W. 16.

Nöldeke and Wünsche add, by way of explanation:

The meaning is: He has no relationships whatever; the admission to Judaism cuts him off from all former relations.

The New Testament also calls the admission of a person into Christianity through baptism "a new birth". This idea likewise is given expression to in the passage mentioned above. If the conversion to Judaism is an act of re-birth, then the consequences of the natural birth are annulled, and the proselyte has no relations, and, therefore, no right of inheritance. These exaggerations are repudiated by all the Talmudists.

The Proselyte who is like a newborn child ought, properly speaking, not to inherit at all, but the sages allowed him to inherit from his infidel father in order that he might not return to his misbelief. *Tos. Kiddushin* 17b; N. and W. 170.

The Tosaphist explains this to mean that the proselyte might turn his back on Judaism for fear of losing his paternal inheritance.

A proselyte might, to all intents and purposes, marry his sister and his mother (because by being admitted into Judaism he was severed from his family), but the sages forbade it because marriages between such near relatives are forbidden also to the pagans; therefore, if the proselyte were allowed to contract such a marriage, it might give rise to the opinion that Judaism is morally more lax than paganism. *Yore Deah* 269, 1; N. and W. 167.

In none of the above passages is anything to be found resembling the words, that the marriages of the non-Jews "are a living together of animals". Now let us look at Rohling's other quotations:

*Yore Deah* 334, 43, Art. 4 (N. and W. 171) begins as follows:

On account of 24 things the ban is laid on a man. These are:

- (1) If one treats with contempt one of our sages, even after his death;
- (2) If one treats with contempt a member of the law court;
- (3) If one calls his neighbour a slave;
- (4) If one despises any word of the scribes; of course this applies all the more to the disregard of the Torah, &c.

Nöldeke and Wünsche comment thereon:

"It is incomprehensible how Professor Rohling finds in these words anything referring to the marriages of non-Jews, to their

being equal to animals, &c. The other 20 numbers of the paragraph likewise contain nothing of the sort."

The authorities quoted by Rohling: *Yebamoth* 67a and *Tosafoth on Kethuboth* 4 are creations of fancy. Nöldeke and Wünsche (N. 177) declare:

We find nothing in *Yebamoth* 67a and *Tosafoth on Kethuboth* 4a and b that bears any resemblance to what Professor Rohling stated. Generally speaking, there will hardly be found a passage in the Talmud or in the Midrash in which "horses, *susim*" are mentioned in connection with to the Goyim, except the explanation of the passage in *Ezekiel* 23: 20.

Notwithstanding this, we read in Justus, *Law* 98:

If a Jew has married a Jewess he may, in case she become a Christian, take another wife without standing in need of a divorce, for the Akum (Christians), according to Talmud, must not be looked upon as human beings, but as a sort of horses.

Surely, this is a shameless way of lying.

Dr. Ecker tries to produce an authority for it in *Eben ha-Ezer* 44, 8.

If a Jew marries an Akum or a slave (the marriage) is null and void, just as a marriage is null and void between an Akum or a slave and a Jewess.

How do we know it? Rab Huna says: It says in the Scripture (Gen. 22: 5): Stay here with the ass, i. e. a people which is like an ass; therefore we see that they are not able to marry. *Kiddushin* 68a.

But, on opening the Talmud, we find the following words:

How do we know that the marriage with a Canaanitic slave is null and void? Rab Huna says, It says in the Scripture, Stay here with the ass, a people that is like the ass. (Question) We only find that the wedding with her (the slave) is null and void; how do we know that her child is like her (the mother)? (Answer): It is written (Ex. 21: 4), The wife and her children shall be her master's. How do we know that a Jew may not wed a Nochrith (non-Jewess)? It says in the Scripture (Deut. 7: 3), Neither shalt thou make marriages with them.

The mention of the ass refers exclusively to the Canaanitic slave; in regard to a mixed marriage with a non-Jewess — since such a comparison is out of the question — another passage of



the Bible had to be resorted to. Justus-Ecker metamorphosed the pagan slave into a Christian.

Rohling, in his book *Polemics and the Human Sacrifice of Rabbinism* p. 11, states:

In *Tosafoth Kethuboth* 3b and *Yebamoth* 22a it says of the Goy, His seed is estimated as the seed of cattle.

But *Yebamoth* 22a (N. and W. number 172) contains only an explanation that additions made by the rabbis to the Biblical marriage restrictions, on the score of consanguinity, do not apply to proselytes.

As regards *Tos. Kethuboth* a few preliminary remarks will clear the matter up.

If a woman was guilty of adultery, it was not only the right but the duty of her husband, according to the rigour of the old Jewish law, especially if he was a priest, to give his wife a bill of divorce. One even went so far as to extend this law also to cases of rape, or to cases which looked suspiciously like rape. In New-Persia, where the Babylonian Talmud was being written down, the Persian satraps arrogated the *jus primae noctis*; thus it came about that the custom of marrying maids (*Kethuboth* 3b; N. and W. 176) on the fourth weekday was dropped on account of such danger, and the Jewish maids were secretly married on the third day, in order to deceive the tyrant.

If the newly-married couple was found out, then it often happened that a pious bride died a martyr's death in order to escape being ravished. Then follows the passage quoted by Rohling, *Tos. Kethub.* 3b; N. and W. 177.

(Question): But why did one not tell them that violent ravishment is not adultery? (Answer): In consideration of the unchaste who, under such pretence, would do voluntarily what would be an adultery and would require divorce.

The contention that ravishment is not adultery induces the Tosaphist to quote the passage *Sanhedrin* 74a in which it says:

One must guard oneself against the sins of idolatry, murder, and adultery even at the risk of one's life.

But that well-known and acknowledged maxim does not tally with the question which is put here. The gloss continues:

Rabbi Tam wished to say that adultery with a non-Jew, like the despot in question, does not require capital punishment, because it says in Ezekiel (23: 20), Their issue is the issue of horses.

Finally it says:

But this is not convincing, for it says expressly in *Yebamoth* 59 and *Kethuboth* 26 that the adultery of a Jewish wife with a non-Jew is to be regarded as adultery, and that the wife must be divorced.

Nöldeke and Wünsche add literally:

Thus the cohabitation with a Goy is not (Nöldeke and Wünsche underline this word) to be put on a par with that of an animal.

The meaning of this passage is, then, just the reverse of what Rohling puts into it by quoting only two detached Hebrew words of the Biblical prophet Ezekiel out of the whole passage. This is also the view of the Talmud throughout.

If a married woman was taken captive by pagans for the sake of money (to get ransom) her husband is permitted (to keep her because it may be presumed that the desire for the ransom kept the pagans from ravishing the captive); but if it was done in order to murder her, then her husband is forbidden to keep her (after she has been rescued) as his wife (for fear that the woman had not guarded her chastity in the peril of death). *Kethuboth* 26b; N. and W. 173.

The Talmud adds that, in such cases, even a man who is not a priest is bound to give his wife the bill of divorce.

If a besieged town has been taken by pagan troops, the priests are not permitted to keep their wives any longer. The wife of a priest who has been ravished is no longer fit for her husband. *Kethuboth* 27a; N. and W. 174.

When Rabbi Zacharias, at the conquest of Jerusalem, said of his wife, I swear by the Temple, that her hand left not mine until the pagan warriors left the town, one replied to him, Nobody can give evidence in his own cause. *Kethuboth* 27b.

All these passages contain the reverse of the assertion of Rohling's in regard to the view of the Talmud.

In Dinter one reads, nevertheless (*The Sin against the Blood*, p. 380):

In Talmud *Yebamoth* it says (98a), The Torah has delivered the children from him (from the Akum), for it says, their flesh is like the flesh of the ass, and their seed is like the seed of the horse.

Tosaphot (this is the name of the medieval glosses to the Talmud) on Talmud *Kethuboth* 3b, His (the Akum's) seed is looked upon as the seed of cattle, &c.

Now, we know what Nöldeke and Wünsche declared (number 177):

There will hardly be found a passage either in the Talmud or in the Midrash in which "horses, susim" are mentioned, in connection with the Goyim, except the explanation of the passage in Ezekiel 23:20.

The Tosaphist on *Kethuboth* also says the reverse of what Rohling asserts (Nöldeke and Wünsche 171).

To help the reader correctly gauge the despicable character of this slander, he need only to be reminded of the fact that these passages do not refer to a Jew who offended with a non-Jewess, but just the reverse, to the fate of a Jewish married woman ravished by a pagan despot, when the question had to be decided whether the Jewish husband was permitted to keep his wife. Rohling and his copyists, Dinter and associates, identify this pagan despot with a Christian, and find that, by this discussion, his manly honour is hurt.

Rohling, in his book "*My Answer to the Rabbis*", p. 37, quotes Rashi on Deut. 14:21 as saying that a dog is better than a non-Jew.

But what does Rashi commenting on this passage actually say?

In Holy Scripture it says, "Ye shall not eat of anything that dieth of itself; thou shalt give it unto the stranger that is in thy gates, that he may eat it; or thou mayest sell it unto an alien."

Rashi remarks on this, "The alien, i. e. a. 'Ger Toshab', a non-Jew who is not an idolator, to him it is to be given."

But there is no question of dogs or of anything worse than dogs.

On the other hand it says (Exod. 22:31):

Neither shall ye eat any flesh that is torn of beasts in the field; ye shall cast it to the dogs.

Rashi refers here to Deut. 14:21 where Holy Scripture recommends selling such flesh to the alien, while in Ex. 22,31 it recommends throwing it to the dogs. Rashi calls attention to this, explaining that God does not withhold the reward from any of his creatures. When the Israelites went away from Egypt at night, it is said in Ex. 11:7: "And against any of the children of Israel shall not a dog move his tongue."

As a reward for this, Scripture commands us to throw to the dogs the flesh that is torn by beasts in the field.

If this implies a disparagement of the non-Jews, then one would have to complain against Holy Scripture.

Indeed, the dog is dependent on his master as regards his food; the alien can take care of himself.

With this, all the passages which Rohling has gathered and quoted to support the charge that the non-Jews are, according to the Talmud, placed on a par with cattle, are completely accounted for. There is nowhere a trace of what Rohling states. This must be emphasized, because Professor Adolf Wahrmund in his book *The Law of Nomadism and the Jewish Rule of To-day*, based exclusively on the authority of Rohling, dares to make the following assertions: According to the Rabbinical theory the non-Jew is not to be looked upon as a human being but as an animal. It is said, The All-merciful declares as fair game all the children of the Goy, for it says, their seed is the seed of horses, and his (the Goy's) seed is counted as the seed of cattle (p. 55).

Justus repeated, in more than twenty passages, the lie that to the Jew the Christians are like animals, "like dogs and worse than dogs", whereas, in the numerous folio volumes of the Talmud and in the entire Hebrew literature, not the slightest hint for this calumny is to be found.

As early as 1819 Börne said:

They set to work against the Jews with the most shameless hypocrisy. Mendacious assertions are made with such brazenness that even well-intentioned people are deceived, because they cannot believe that one would deceive them so grossly.

#### IV. Recognition of the Merits of Non-Jews.

Rohling in his book *My Answer to the Rabbis*, p. 15 says:

It is forbidden to the Jew to praise the virtue or the learning of a Christian (Akum) unless he does it in the same way in which he acknowledges also the beauty and the physical strength of a beast whom, after all, the Akum equals.

At the outset, it must be noted that Rohling and Justus translate here again "Akum" with "Christian".

The enormity of this falsehood becomes the more glaring when the reader is reminded that the Jew is repeatedly directed, on every occasion, not to praise the beauty, greatness, or wisdom of the creatures, but ever to lift his heart and his thoughts to his Creator.

Our masters have taught us: He who sees the sages of Israel says, "Blessed be he who has imparted of his wisdom to them that fear him;" (he who sees) the sages of the nations of the world says, "Blessed be he who has given of his wisdom to flesh and blood;" he who sees the kings of Israel says, "Blessed be he who has imparted of his majesty to them that fear him;" (he who) sees the kings of the peoples of the world says, "Blessed be he who has given of his glory to flesh and blood. *Berachoth* 58a; N. and W. 179.

If he sees beautiful creatures und beautiful trees he says, Blessed be he who has such as these in the world. *Berachoth* 58b; N. and W. 180.

For Rab said: It is forbidden to man to say, How beautiful is this Goya (non-Jewess)! But when Rabbi Simeon stood on the ascent to the mount of the Temple and saw a Goya who was very beautiful he, notwithstanding this, exclaimed: How great are Thy works! *Aboda Zara* 20a; N. and W. 182.

Who sees beautiful trees or beautiful creatures — also non-Jews — or beautiful animals shall say, Praised be thou, our eternal God, King of the Universe, for having given such creatures to the world. *Orach Chayim* C. 225, 10; N. and W. 183.

Upon surveying these precepts, one find nowhere a touch of animosity towards the non-Jew, nowhere even a hint that one is sorry for their good points, but rather the inculcation to praise God and to thank him for having given to the peoples such select creatures, favoured either by bodily beauty or by high wisdom, or by power and dignity.<sup>1</sup>

The Talmud does not hesitate (*Kiddushin* 31a) to praise a pagan of Askalon as a model of filial love.

Somebody asked Rabbi Eliezer: How far ought filial love to extend? He replied, Go and behold how a pagan of Askalon of the name of Dima dealt by his father. While the latter slept he had something under his pillow which the son might have sold at great profit, but Dima renoun-

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(1) The annals of the Greeks have nothing to say about other peoples' achievements, as they admire only their own (Tacitus, *Ann.* II, 88).



ced the great gain, because he did not wish to disturb his father in his sleep even once.

Of the same pagan it is further recorded:

Once he was sitting among the Lords of Rome, clad in a golden garment; presently his mother came in, tore at his garment, beat him on the head, and spit out before him. He submitted to it without shaming her.

The same is found in *Aboda Zara* 23b. Nöldeke and Wünsche (Nr. 184) add:

It is very important that the hero is a pagan. The tremendous exaggerations prove all the more of what great consequence it was to the author to present a correct model of filial respect.

In the New Testament, a Samaritan is held up as a model of mercy and gratitude (Luke 10: 33 ff.; 17: 15 f.). To Frederic Delitzsch (*The Great Delusion* II, p. 63) this is a proof of "Christ's anti-Jewish mentality", and consequently "non-Jewish race" — Frederic Delitzsch is absolutely unfamiliar with the Jewish literature of the time of the rise of Christianity.

The calumny that it was forbidden to the Jews to praise the virtue and learning of a Christian or even a pagan is belied by many writings on the philosophy of religion by the Jews of the Middle Ages, above all of Maimonides who so often mentions Aristotle and Plato with deepest admiration.

Jacob ben Abba Mari Anatoli (about 1232), who together with other Jewish learned men at the court of the Emperor Frederic II. of Hohenstaufen was engaged in translating Greek works from the Arabic into the Latin language, reports in his book *Malmad Hatalmidim* an excellent interpretation of a passage in the Bible by the Emperor Frederic. The question was why, according to Mosaic precepts, only domestic animals were permitted to be sacrificed, but not game. The emperor said: The sacrifices are comparable to a gift to heaven, but one could only make presents of one's own property; such are the domestic animals, which the owner either acquired by purchase or by breeding, but not the free game of the field of which nobody, from the beginning, may claim ownership.

The Gaon Isaac ben Israel ibn Shuweich, in the year 1221, copied the Arabic commentary on Koheleth by the renegade

Abu-I-Barakat Hibat Alla, a work which is quoted by the Gaon Samuel ben ali ha-Lewi, named Ibn Al al-Dastur.

The Cabbalist Moses Botarel writes:

"The soul of Aristotle will be in Paradise, the Garden of Life, for the sake of his important and correct work. By my life, I love him deeply, for he is a father of wisdom. Many important things has he taught in agreement with our sages. Because of his clear perception, he enunciated true maxims. Our sages have said: "A wise man is better than a prophet." Even though he was a Greek, he strove to demonstrate the unity in the sovereignty of the Creator." Moses Botarel, Commentary on the Book of Yezirah.)

Immanuel di Romi, the friend of Dante, who himself wrote a Hebrew *Divina Comedia* reports of the blessed in heaven:

There I saw men with a wreath of glory  
Before which the light of the moon pales and the splendour of the sun.

"Who are the men here in the land of the angels?"

I asked, not knowing any of them.

"These are", my guide said, "the righteous of the other nations:  
They arrive through wisdom to their garlands of victory."

In Immanuel's *Paradise*, then, the righteous of all nations find a place, even the pagans, who were barred admission by Dante. Immanuel's poem concludes with a veritable hymn on the future of mankind:

No matter what this or that country called the supreme Godhead,  
It is the same power that watches over all men,  
It is the same being that reads all hearts,  
The same paternal mind that sees the good first of all.  
It is the same faithful shepherd that will gather all herds,  
When, some day, the great morning dawns  
Which will unite the dispersed.

The amicable relations of the Jewish poet and Dante are well-known to students of Dante. The Christian scholar Theodore Pauer wrote in the Yearbook of the German Dante-Society III, p. 447:

Taking into consideration the outlook reflected in the poem, the Jew is no whit inferior to the Christian Dante. In accordance with Dante he repudiates those schools of philosophers who deny the personality of God, the creation of the world through God's omnipotence, and the divine spirit in man; more incisively than Dante, he hits hypocrisy at the core; besides, there prevails in Immanuel's views a spirit of to-

lerance towards the heterodox, a beautiful human detachment in matters of faith such as, in that era, would have had to be looked for with the lamp of Diogenes.

Thus write German scholars who are not compelled to make concessions to anti-Semitism.

The religious practice is well-known of the old Jews who, when they talked of a devout Christian, used to add, God be with him, God help him, may God prolong his life. When recalling deceased pious Christians, they added the words, Blessed be his memory, may his soul be received in the host of the blessed. Numerous quotations of this kind are found in Zunz' *Contributions to History and Literature*. Berlin 1845 I, p. 387 ff.

How often have eminent German poets complained that, in the circle of their Aryan compatriots, they by no means found as much appreciation and encouragement, nay, as many readers as in Jewish quarters. Even the overwhelming genius of Goethe found admiration and enthusiasm first in the Berlin drawing-rooms of clever Jewesses, and certain Pan-German race cranks declare him to-day to be a "Jewish genius", and a "Jewish scion".

It is very interesting to see how the poet Theodore Fontane acknowledges the appreciative encouragement he got from Jews, and contrasts this with the ingratitude of the nobility of the March of Brandenburg whom he served all his life with his great talent. In the lines written on the occasion of his 75th birthday, he tells us how he expected the visits and compliments of the German nobility whom he had glorified in his works. He was expecting the Arnims and Krachts, the Bülowes and Rochows, the Itzenplitz's and Zitzowitz's, but none of them came.

Those that came to the jubilee  
Were of quite different names,  
Also *sans peur et reproche*,  
But of almost prehistoric nobility.  
There came those of "—berg" and "—heim".  
They came in legions and in crowds.  
The Mayers came in regiments,  
Also the Pollacks from the East.  
Abraham, Isaac, Israel,  
All the Patriarchs are on the spot,

Place me worshipping at their head.  
 What do I care for the Itzenplitzs? .  
 I have been a comfort to everyone,  
 They have read me one and all,  
 They all knew me in and out.  
 That's the main thing... Shake hands, Cohn.

## V. Jewish Influence on Roman Culture.

Wahrmund, in his book *The Law of Nomadism and the Jewish Rule of To-day*, p. 168, introduces a new and curious charge:

The Jews did at all times what they are doing to-day, viz. they attributed the qualities of the monotheistic godheads that happened to be current in the non-Jewish philosophy of the time, to their own racial God Jehovah, like labels, without changing his essence. In spite of this, born monopolists that they are, they do not stop to deny to Greek philosophy the originality of the idea of God, which is stripped of every national association. These claims, which E. Zeller calls an unfounded proceeding, have lasted from Philo the Alexandrine to our day.

This charge concerns less the Jews, than they do the old Christian Church Fathers. For the Jewish authorities it was an axiom that Edom did not possess the Torah (true religion), although it did have genuine wisdom.

He who says that Edom possesses a Torah (a true religion), do not believe him; but he who says that Edom is in possession of original wisdom, him you may believe. *Midrash Rabba* on Lament II:9.

On the other hand, it was the Christian Church Fathers who, in their struggle against the pagans, always took the stand that the Greek philosophers derived their ideas from Moses and the Prophets.

These pious and ardent teachers were so thoroughly convinced of this, that they insisted over and over again, in their apologies and in their struggles against the pagans, that everything beautiful and sublime which the Greek philosophy owns was taken from Moses and the Prophets. "For your teachers also" — says Justin, *Cohortatio ad Graecos* c. 14, and similarly all the contemporary and later Christian apologists — "were compelled by Divine Providence, thoughtful for the welfare of mankind, to pronounce, against their wills, doctrines agreeing with ours, es-

pecially those men who visited Egypt and profited by the religion of Moses and of his ancestors; for I do not think that anybody among you, who has read the works of Diodorus or other historians, does not know that Orpheus, Homer, and Solon, the lawgiver of the Athenians, as well as Pythagoras, Plato and others, after having travelled in Egypt, and profited by the history of Moses, for their own use, uttered opinions about the gods quite different from the former erroneous ones."

Eminent pagan authors such as the Platonist Celsus (178 A. D.) reproached the Christians that their doctrine was neither new nor original, but only a bad plagiarism of the Jewish one. The stock reply of the teachers of the Church of the first Christian centuries to these constantly recurring pagan attacks was: It is true that our faith derives from the Jews but this implies neither reproach nor blame. For if your writers rarely mention the Jews that is no proof of their being — as prejudice and passion describe them — a contemptible people... Remember that Greek writers trace even your wisdom to the Jews, as does Hermippus, who testifies that Pythagoras owed his wisdom to this people, and you will appreciate them more. The Jews are a worthy and a distinguished people. They worshipped the only God and were taught to exalt the spiritual above the sensual, and to look for God on high where there are no bodies. Their temple and their priesthood are the model of the City of God, and wise laws led them to pure and rigorous morals; thus they have no gladiatorial games, no theatres, no public harlots, and no diviners. On no account, therefore, should the derivation of Christianity from Judaism be considered as a reproach. Its law has always been honoured by the Christians as the door to their faith, and after the revelation of the deep wisdom hid in it, it was recognised and represented in its true dignity... (Compare Clement. Homil. IV, Chapter 10—11; Origenes, *contra Celsum* L., I, II, III, IV, VIII; Eusebius, *Praep. ev.* IX; Tertullian, *Apol.* cap. 47.)

Friedrich Nietzsche coined the saying, "Socrates and Plato, the teachers of virtue and justice, were Jews who had somehow got among the Greeks". To the ancients, the pheno-



menon was perplexing, and they looked for an explanation in their way.

That the old Fathers of the Church were so very much mistaken in their conjectures has yet to be proved.

The university professor Otto Seeck in his famous work, *History of the Fall of the Ancient World* writes:

Every speculative advance in pagan and in Christian spheres may be traced back (in the first centuries of Christianity) to those provinces in which a deep stratum of Semitic nationality was coated with a thin varnish of Greek-Roman culture, to Syria with her neighbouring countries, to Phœnician Africa, especially to half-Jewish Alexandria.<sup>1</sup>

Also, where there stirs a power in secular literature which stands out above mediocrity, its origin is always Semitic or at least half Semitic.

Lucian, the most ingenious satyrst of the era, Liberius the most frank and polished orator, Ammianus Marcellinus the most profound historian, they all hail from Syria; Claudianus, the most elegant poet, was an Alexandrine.

The intercourse between the Jews and the foreign nations which took place at the time of the birth of Christianity called the attention of contemporary writers to the Jewish religion and the Jewish doctrines, and it is therefore not astonishing if one comes across Jewish ideas in Roman authors. Thus we find in the maxims of Seneca passages which doubtless bear the Jewish sign manual. For instance the passage, *Quietissime vivrent homines in terris, si duo verba tollerentur "meum" et "tuum"*, in which, to be sure, the central idea of communism is distinctly stamped, recalls *Pirke Aboth* V, 13: "What is mine, is thine; what is thine, is thine — is the principle of the devout." — More distinctly

1. The earliest Grecian thinkers were natives of Asia Minor — Pythagoras, Xenophanes, Anaxagoras, as was also the earliest lexicographer, Cadmos of Miletus, the father of the historian Herodotus. Of Semitic extraction was also Zeno, the son of the Phœnician Mnashe, the founder of the Stoic School whose way of thinking was absolutely un-Grecian, purely ethical and religious, and which, in its conception of God and in its cosmopolitism, subversive of all national barriers, recalls the Hebrews' views. In the *Historia Augusta*, it is related of the Roman Emperor Severus that "when he rebuked anyone he admonished him with the words, which he certainly heard from Jews or Christians, 'do not do to thy neighbor that which you do not wish to have done to you'". (*Hist. Augusta, Alex. Severus, C 56.*)

still the maxim, *Quod tibi fieri non vis, alteri ne feceris*, points to Jewish origin, and that to Hillel's saying. But who could doubt in the least in face of the maxim, *Res optima est non sceleratos extirpare, sed scelera*, that we have before us the excellent saying of the devout Beruria (the godly wife of the distinguished Rabbi Meir).<sup>1</sup> Thus, we possess in these maxims of Seneca the undisputable proof, as it seems to us, of Jewish ideas and maxims invading the Roman sphere of ideas and conceptions.<sup>2</sup>

## VI. The Mourning Ritual.

Rohling, in his paper, *My Answer to the Rabbis*, p. 23, alleges:

... that the Jew, if one of his Akum servants or maid servant die, must not receive condolences at the death of a person from a fellow-Jew, but he should be told, God make amends for thy damage, just as one says if an ox or an ass dies. *Yore Deah* 377, I. Cf. *Berachoth* 16.

On page 38, Rohling points out the passage more precisely as *Berachoth* 16b and arrives at the following conclusion:

... and thus it is evident that the Jew is as a human being, whilst the others are animals.

At the death of an Israelite, sundry mourning rituals are usual, not as prayers for the salvation of the departed souls, but for

(1) Compare also *De Providentia* I.4; Whom God loveth, He chastiseth.

(2) That Homer must have read the Holy Scriptures was asserted by the Frenchman, Professor Jacques Cappel in the 17th century. He found a disciple in the Englishman Zacharias Bogan, who in all earnestness compared Homer's manner of expression with that of the Biblical scribe; his essay on this subject he called "The Hebraizing Homer". The Dane Christian Worm, who died as Bishop of Zealand in 1737, also claimed that he found in Homer's works, traces of the Bible. Bogan's title was given by Gerhard Croesus, the reformed Dutch theologian, to a book in which he demonstrated that the *Iliad* was not other than a description of the capture of Jericho, and the *Odyssey* a description of the Jews under the patriarchs. And a student at Wittenberg devoted his thesis to this work three years after its appearance. As recently as 1891, a German professor of Theology issued a translation of the monograph of the Frenchman Fourrière, "Homers Entlehnungen aus dem Buch Judith". Joseph Scheiner of Braunschweig published in 1900 a book "Homers Odyssee, ein mysteriöses Epos", in which he declared that historic episodes in the ancient history of the Jews had served Homer as models. In all these learned expositions Jews have had no part.

the comfort of the bereaved. It is a bounden duty to call on the latter, and to say to them, "God comfort you, and all the mourners of Israel and Jerusalem". This religious duty is practised towards mourners only when they have been bereaved of nearest relatives (parents, spouses, children, brothers, sisters), but no longer in case of grandparents, and other relatives. Now the question was raised whether it was a duty to call on an Israelite also when a bond slave died — there is many a miser who mourns the death of a young valuable slave more than the death of his wife or of his child — and to condole with him. This was answered in the negative. The sorrow of the owner of the bond slave is not the sorrow of love, but of selfishness. The loss of a beautiful horse would give him equal pain. Religious comfort has nothing to do with that. Now Rohling, according to his wont, falsified this passage of the law.

He was promptly plagiarised by Justus, *Law* 93:

If an Akum (a Christian servant or maid servant) who serves a Jew dies, one does not condole with him as at the death of a human being, but one should say to him, God make amends for thy damage, just as one says to a man who has lost an ox or an ass. *Shulchan Aruch, Yore Deah* § 377, I, taken from Talmud *Berachoth* 16.

What is, in reality, the tenor of the Talmudic text?

Nöldeke and Wünsche translate it as follows (number 186):

In regard to bond slaves, male or female (when they die), one does not stand in a line, nor does one speak words of comfort, but one says (to the master), May God make amends for your loss, just as one speaks in regard to an ox or an ass.

Nöldeke and Wünsche allege that here the point in question were bond slaves, and they add:

This statute, therefore, has been obsolete for a long time in civilized Europe which no longer knows slavery, and at most can still be applied only in particular cases.

We must bear in mind the legal status of the slaves in the countries of slavery. The view held in Roman law and by all the ancients, and even in purely Christian countries, was that slaves were chattels with whom one might deal at pleasure, who could be bought, sold, ill-used and killed like animals; couples were separated, children sold, &c. Thus proceeded the Romans,

and the Christian peoples down to our own times. These views naturally influenced the statute of the *Shulchan Aruch* mentioned above.

In regard to the treatment of slaves, Maimonides, *Mishne Torah*, Abadim IX, 8 draws up the following rules (N. and W. 189):

It is permitted to impose statute labour on a Canaanitic slave. Though this is the law it is nevertheless a touch of kindness, and the way of wisdom is to be merciful, to practise justice, not to inflict a heavy yoke on one's slave, and not to vex him. We ought to give him to eat and to drink of every dish, and of every beverage. The old sages used to give their slaves of every dish that they ate themselves, and they fed the cattle and the slaves before they themselves dined. It says (Ps. 123:2), Behold, as the eyes of servants look unto the hand of their masters, and as the eyes of a maiden unto the hand of her mistress, &c.

Likewise he must not offend him either with the hand or with words. Scripture has delivered him for service, not for contumely. Therefore we must not give him hard words nor vent our anger on him, but we must speak softly to him and listen to his defence. And thus it says expressly of the beautiful traits of Job which he glories in, If I did despise the cause of my man-servant or of my maid-servant, when they contended with me. Did not he that made me in the womb make him? And did not one fashion us in the womb? Job 31: 13; 15.

Hardness of heart and insolence are only to be found with the Goyim who are idolaters, but the seed of Abraham, our father, that is the Israelites on whom the Holy one — blessed be he! — poured out the blessing of the Torah, and to whom he gave laws and pious precepts, they are all merciful, and so are the attributes of the Holy one — blessed be he! — which he commanded us to imitate; of him it says, His tender mercies are over all his works. Ps. 145:9. He who shows mercy will also be shown mercy, as it says, That the Lord show thee mercy, and have compassion upon thee, and multiply thee. Deut. 13: 17.<sup>1</sup>

### *Sefer Chassidim* (13th cent.):

(1) The following ordinance is characteristic of the laws of slavery:

If somebody sells or pawns a (pagan) slave to a pagan, even to one who is not an idolater but a "Ger Toshab" and observes the seven laws of the Noachides, the slaves goes free and his former owner is held to buy him from his new master even if he has to pay the tenfold price (Maimonides, *Mishne Torah*, Abadim VIII, 1; 2).

The reason for this is that the slave, directly he became the property of the Jew, acquired the right of a weekly day of rest according to the Biblical Law. By being sold to a master who does not observe this precept he is grievously injured.



Nr. 665. Do not put your servants to shame nor be ungrateful to them. When they have done their duty, do not nag them.

Nr. 668. Man is constantly to keep this in mind: As he would wish to be treated if he were in subjection, so let him treat his subordinates. Therefore do not deliver good servants into the hands of rude people who would ill-treat them.

Nr. 672. Do not foment discord among your (Christian) maid-servants for the sake of having one inform against the other.

Nr. 991. Tale-bearing servants ought not to be kept.

Nr. 695. Animals also have a right to our gratefulness. Do not put a heavier burden on a beast than it can bear, nor kill it unless the flesh and the hide are urgently needed.

Justus, *Law 97*, alleges:

In the *Shulchan Aruch*, *Choshen Mishpat* 420 it says, It is forbidden to beat one's fellow-man.

But Justus adds, as if this, too, were written in the *Shulchan Aruch*:

Under "fellow-man" only a Jew is to be understood; to beat an Akum (a Christian) is no sin.

This is pure invention. He who beats even a Canaanitic slave offends against the law. It is forbidden to beat even an animal. (*Baba Metsia* 32b.)

In *Orchoth Tsaddikim* c. 8 (15th century), the author literally repeats the exhortation of Maimonides and adds (N. and W. 188):

The ancient sages used to give the slave of every dish which they ate themselves, and they fed the cattle and the slaves before they themselves dined, for it says, Behold, as the eyes of servants look unto the hand of their masters, and as the eyes of a maiden unto the hand of her mistress; so our eyes wait upon the Lord our God, &c. Ps. 123, 2.

The righteous man gave to his slave of all the dishes before he himself began to eat. On account of this merit (the prophet) Elijah first spoke to him: The Torah says (Lev. 19: 18), Thou shalt love thy neighbour as thyself. But he who is of a hard disposition of heart is very far from it.

We must bear in mind that this Jewish theologian of the 15th century considers it a matter of course that the Biblical commandment, Thou shalt love thy neighbour as thyself, holds also with regard to the non-Jewish slave.<sup>1</sup>

(1) The Talmud relates (*Aboda Zara* 16b) that a rabbi was persecuted because he freed his slaves. Of the five inscriptions (found in Southern Russia)



In a paper by Dr. Kolkmann, Prussian district judge of Löbau in West-Prussia (*The Social Status of the Jews*. Löbau. 1876), we read the following passages, p. 32/33:

The care and devotion of the Jews extends not only to the direct members of their families, but also to remote relations, nay, often even to the Christian man-servants and maid-servants. I should like the latter to bear witness to the loving kindness with which they were treated in Jewish families. I myself surely do not think badly of the Christians, and I know, that they too may be rightly praised for many touches of goodness and generosity, but it seems to me that we cannot compete with the Jews in regard to the humanity with which they treat the servants. Not later than last month a very well-to-do Catholic proprietor in Löbau, who never omits to attend church on Sunday, left an old, sick farm-labourer of his to rot in the stable. The poor man is in the hospital now -- the flesh about the toes has rotted off! Such a thing would be quite impossible in a Jewish family.

A young Jewish pupil of a grammar-school had returned to his parents in the Christmas holidays. His father noticed a certain secretiveness in him before the holidays. At last he discovered that the boy was dressing a Christmas tree for the children of a poor Christian woman, his former nurse. The father was highly gratified by this thoughtfulness of his son. I am convinced that all my Christian readers will honour such a youth, but I wonder whether we Christians, after having been brought up in such an orthodox way, should be unbiassed enough to rise to a similar course of action toward a Jew or a heathen?

It is true, when a slave dies, Jews are not to stand in a line, and are not to utter the condoling words of the mourners. In passing, it must be remarked that the word which Rohling malevolently translates by "perish" ("krepieren") means "die" in Hebrew; this latter word is always used in the Bible of men and even of Moses. And the point in question is the mourning ritual. Nöldeke and Wünsche explain this to mean (which the initiated know to be so) that after returning from a funeral, ten Jews, as a

which deal with Jewish matters, four tell of slaves set free by their Jewish masters (S. Krauss, *Emancipation of Slaves in the Graeco-Jewish Inscriptions*. Vienna 1909). The first to set free his numerous Negro slaves in the West Indian Islands was the Jew, Daniel Hart (Jamaica Despatch and Kingston Chronicle of July 6, 1838). It occurred on the day that Queen Victoria was crowned.

rule, stand in a line in order to comfort the mourners with the religious formula.

We read in the *Süddeutsches Sonntagsblatt* 1885, Zentralorgan für die Interessen der Geistes- und Gewissensfreiheit, der Humanität und Toleranz, edited by Dr. Johann Gihl in Stuttgart:

From the town of Wittenberg (Mecklenburg-Schwerin) the following contribution towards the appreciation of denominational humanity is reported. Some years ago the son of the merchant Martens of that place was excluded from confirmation; this caused the father to declare his and his son's secession from the Lutheran congregation in Wittenberg. The son, later on, was admitted again into the congregation and confirmed, while the father remained outside. A short time ago he died, and the Wittenberg clergy were faced by the problem, what was to be done about the burial. After negotiations with the Consistory in Schwerin, orders were given that the dead body should be buried near the wall of the cemetery, but not, as was customary, in the position from east to west, but from north to south. The widow complied with this, and only asked for a grave by the side of her husband for herself. This was refused, and at the same time the order was given that her husband's grave was to be surrounded with a ditch and a wall, and completely separated by this as well as by thick vegetation. The family would not agree to this. In their perplexity, the Jewish community offered to give the dead merchant a burial-place and to reserve a grave for the widow. This was gratefully accepted, and a funeral escort, as numerous as Wittenberg had never witnessed before, followed the dead to his last resting-place.

Justus and Rohling pretend to be indignant that the Jewish mourning ritual is not practised at the death of people of a different religion, while everyone knows that the Catholic clergy refuse the burial on consecrated ground to every heretic, even to the most devout Protestant, that they do not permit the church-bells to be rung, because he who buries an heretic according to the Christian precepts is excommunicated (*Corpus jur. can. Sext. Decret. liber V, tit. II, cap. II*); in order to be released from the excommunication, he must publicly and with his own hands exhume the dead body of the damned and hurl it from the grave.<sup>1</sup> Besides, it is very well known to Justus and Rohling

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(1) William Pelisso, a Dominican who was active in the district of Toulouse in the years 1220—1240, notes in his diary "Chronicon", the manuscript

that the Jewish mourning ritual is according to the precepts of the *Shulchan Aruch* only practised at the death of the nearest blood-relations among whom, for instance, grandparents, parents-in-law, nephews and nieces are not included; now, can one ask that the pagan slave have more consideration than such near relations?

But it sometimes happened that the death of a slave grieved his master to the heart, and in such cases it was not low avarice which mourned the loss, but the grief of having lost a devoted friend, a slave with noble, humane qualities. Such grief is generous, and in such cases the owner of the dead slave was allowed visits of condolence.

Rabbi Gamaliel received condolences at the death of his slave Tabi, and when his pupils remonstrated with him on his improper conduct, he replied, My slave Tabi was not like other slaves, he was righteous. In the Gemarah it says, Slaves and woman slaves are not lamented. But Rabbi Jose says, If it is a righteous slave one says, Alas, a good and true man who lived by his work. *Berachoth* 16b; N. and W. 185.

Lastly a passage of Joseph Caro (the author of the *Shulchan Aruch*) in his commentary on *Tur Yore Deah* c. 367 (see Nöldeke and Wünsche 187) must be called to mind:

The *Colbo* says, He who sees a dead body is bound to give it honour, and to escort even the dead body of a Goy four yards.

On the festival of Purim the non-Jews are to receive presents like the members of the family. *Responses* of the famous Meir of Rothenburg (born 1113, died 1193) vs. Orach chayim 694.

As a further proof that the Jews regard the non-Jews as if they were dogs, Rohling, in *My Answer to the Rabbis*, p. 37, says:

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of which is preserved in the library of Carcassonne as No. 6449, that after the death of the heretic Galvanus the Dominicans assembled the people. "They went into the house in which the heretic had died, razed it to the ground and turned it into a dung-heap, they exhumed the body of Galvanus, dragged the corpse in a great procession through the city and burnt it outside of the town. This took place in the year 1231, in honor of our Lord Jesus Christ and of Saint Dominic, and of the Roman and Catholic Church, our mother." (Count Hoensbroech, *Das Papsttum in seiner sozial-kulturellen Wirksamkeit*, I, 6.)

Therewith agrees that in *Aboda Zara* 46a the face of a non-Jewish sovereign is designated as the "face of a dog".

Rohling likes to slander the Jews at every opportunity as enemies and despisers of the sovereigns. But as to the passage of the Talmud in *Aboda Zara* 46a quoted by him, only a faithful translation of the passage which is an explanation of Deut. 7: 25 is required to realize that quite the contrary of what Rohling asserts is said there. In this passage the Talmud says:

If the idolators call their sanctuary the face of a king, he calls it the face of a dog.

Nöldeke and Wünsche (Nr. 192) interpret this as follows:

The meaning of this passage is: The names of the idols and their sanctuaries are to be changed into opprobrious names; this results quite simply from the passage of the Bible from which these words proceed. That here, as Prof. Rohling asserts, the face of a non-Jewish sovereign is denoted as the face of a dog needs no refutation.

The fact, indeed, is clear enough. The temple of an idol, an abhorred place, shall no longer bear the noble name of a king, which was desecrated by such an association. Rohling again thoughtlessly plagiarized Eisenmenger.

The Talmudists, by the way, were confirmed monarchists.

Rabbi Chanina, the Segan of the priests (the vice high priest) says, Pray for the welfare of the government, for if there were no awe of it one man would devour the other alive. *Pirke Aboth* 3,2.

Nöldeke and Wünsche add by way of explanation (number 190):

Here the Roman empire is alluded to which was obnoxious to the Jew. He who spoke thus lived to see the destruction of Jerusalem by Titus.

"The earthly realm is an image of the heavenly realm" (*Berachoth* 58a).

Nöldeke and Wünsche add (number 191):

The maxim is by Rab Shela and refers directly to the Persian Empire. With three oaths God sent Israel into the exile: he made them swear that they never would try to force the return into the Land of Promise high-handedly; he made them swear that they never would revolt against those states which admitted them; and he implored the nations not to oppress Israel beyond all bounds. *Kethuboth* 3a.



The laws of the king have absolute validity for the Israelites.  
*Gittin* 10b.

Therefore it says in *Yore Deah* 157, 2 Hagaah:

It is forbidden to put on non-Jewish dress in order to avoid the Jews' tax with the help of the non-Jewish dress.

The country is the property of the sovereign, and he gives the Jews the permission to settle in his country only under the condition that the laws of the country be conscientiously observed. Rabbi Nissim on *Nedarim* 28a.

The servant sent by the king is like the king. *Shebuoth* 47b.

## VII. The New Testament and the Church Fathers.

The status of the New Testament within Christianity is a much higher one than that of the Talmud in Judaism; the former is the Bible of the Christians as the writings of the old covenant are the Bible of the Jews. The Fathers of the Church have the same status as the Talmud. Therefore every word of the New Testament has for the Christians a far greater importance than the Talmudic maxims have for Judaism, as these often were not accepted and, consequently, had no force of law. A single sentence in the New Testament (Matth. 16: 18), "Thou art Petrus", &c. is the foundation of the Roman Church.

There are three passages of the New Testament with "animal" designations for infidels: Beware of dogs (Phil. 3: 2; Give not that which is holy unto the dogs, neither cast ye your pearls before swine (Matt. 7: 6); But he answered and said, It is not meet to take the children's bread, and to cast it to dogs (Matt. 15: 26).

When, in my dispute with Rohling, I held up these passages to him he tried to escape by the quibble (duly copied by Dr. Dinter) that the word in this connection meant "doggie", a qualifying diminutive used by way of a joke. Unfortunately for Rohling, the Catholic translation of the Bible by Allioli as well as that of Luther make Jesus use the word "dog", and the whole discourse is anything but a joke, and lastly, St. Augustine (*Sermo* LXXVII, cap. VI, § 10) paraphrases the matter very seriously.



While the case Rohling *versus* Bloch was proceeding, Professor Dr. Pius Knöll who, on the recommendation of the Vienna university authorities, had been appointed and sworn as an expert by the Law Court, translated the above quoted passage as follows:

S. Aurelii Augustini Sermo LXXVII. cap. VI. § 10, p. 487:

And how do we distinguish — such shall be the answer to him — which are the swine, and which are the dogs? This is shown in that woman. To that woman namely he (sc. Christ) replied on her insisting: "It is not meet to take the children's bread, and to cast it to dogs." Thou art a bitch. Thou art one of the pagans, thou worshippest idols. But what is so familiar to dogs as to lick stones? Therefore it is not meet to take the children's bread, and to cast it to dogs. If yonder woman had gone away after these words she would have come as a bitch, and gone away as a bitch. But by knocking she became a human being. For she kept urging him, and in consequence of the so called abuse she showed contrition and got mercy. For she neither lost her countenance nor her temper when, having asked for mercy, she was called a bitch, but she said, "That is it, master" (i. e.) thou hast called me a bitch; surely I am a bitch, I acknowledge my name; the truth speaks. But, therefore, I am not to be refused the benefit. Certainly (I am) a bitch. "But also the dogs eat of the crumbs which fall from the tables of their masters"; (i. e.) I obtain a petty benefit: I do not attack the table, but I ask for crumbs.

Read Hieronymus adversus Jovinianum libri duo p. 144—228; further, Hieronymus adversus Vigilantium 281, and lastly, Ep. 32 ad. Domnionem p. 244—247, and you will find that this holy author calls the adversaries of his religious conceptions "hogs", and "dogs", and "swine" (cf. Augustinus, opera IV, 685; 1661), and yet no Jew has ever fabricated from this a charge against St. Jerome.

In Origines contra Celsum III the pagans are referred to as "people whom an honest doctor hesitates to cure".

Sancti Hilarii Pictaviensis Episcopi Opera Omnia, Commentarius in Evangelium Matthaei, Caput VI, p. 951 the pagans are called dogs, the heretics swine: "But the heretics are called swine, because though cloven-footed they do not equally distribute the received knowledge of God by chewing the cud."

Sancti Patris Nostri Joannis Chrysostomi Archiepiscopi Con-

stantinopolitani Opera Omnia, Adversus Judaeos Orationes, I. oratio, p. 592—596 ff.

In these passages the Jews are called animals which ought to be slaughtered, unclean animals; their synagogues as well as their souls are inhabited by devils, and they are upbraided with butchering their own children as offerings to the devils.

The Emperor Balduin writes (*Regesta Innocent. III, lib. VII, c. 152 apud Mignet*):

Haec est (gens) quae Latinos omnes non hominum nomine dignabatur sed canum, quorum sanguinem effundere pene inter merita reputabant. These (the Greek Christians) called the Latins not human beings, but dogs the shedding of whose blood was almost accounted a merit.

The rule of the order of Clugny which in the middle of the 12th century embraced almost 2000 cloisters in France, recorded in the 11th century by the monk Bernard, prescribes certain conventional signs of which the monks made use in order to avoid superfluous talk. There is, among others, the precept that he, who asks for a book that has been written by an infidel, first makes the sign that means book, and then scratches himself behind the ear, as does a dog, "for" — it is added — "an infidel is deservedly likened to such an animal".

*Vetus disciplina Monastica* ed. Hergot (Paris) p. 172:

Pro signo libri Scholaris, quem aliquis paganus composuit, praemisso signo generali Libri adde, ut aurem cum digito tangas, sicut canis cum pede pruriens solet; quia non immerito infidelis tali animanti comparatur.

The Jews were called dogs, swine and asses by the Christian writers. Once, on the occasion of a dispute, the reverend Abbot of Clugny asked a Jew, "Why should one not call thee a wild animal, why not a beast of burden? Compare with thyself horned cattle, or, if thou preferest it, an ass who is the stupidest among all the animals. Where is the difference between thy hearing and that of an ass? The ass hears without understanding, and the Jew, too, hears without understanding. Far be it from me to give an answer to such impudent dogs, to such dirty swine." (*Petrus Venerabilis in Max. Bibl. XXII, p. 1012, contra Judaeos*).

Cur enim non dicaris animal brutum? cur non bestia? cur non jumentum? Adhibe tecum bovem, vel si mavis asinum, quo nihil in pecoribus stolidius est: et simul cum eo quaecunque dici possunt ausculta. Quid referret, quid distabit inter auditum tuum et asini? Audiet nec intelliget asinus: Audiet, nec intelliget Judaeus . . . [f. 1020]. Putas me de istis acturum contra Judaeos? Absit, ut de istis contra illos agam: absit, ut canibus impudentissimis et porcis spurcissimis velut rationis capacibus respondeam et eos super his aliqua cuiuslibet responsione dignos ostendam.)

There are similar invectives to be found in Alanus contra Judaeos (ed. Visch, Antwerp 1658 f., 276). Compare Hahn, *History of the Heretics*, III, p. 56, note 5. Other ecclesiastical writers do not consider the Jews as human beings either. Compare for instance Crantz Metrop. VIII, p. 537:

Expedit, malignos publica egestate laborare, ut si quod de illa gente praecinuit David: Ne occidas eos: circumeant civitatem huius mundi ut canes, si vero non fuerint saturati opibus, auro et argento (ut est gens avarum), murmurabunt, et Christianis per angulos suos blasphemias et imprecationes multiplicabunt. Sed nil ad rem pertinet projectorum blasphemias. Si convertantur ad vesperum mundi, fratres habebuntur: nunc sunt canes, genus viperarum et homicidae, super quos venit omnis sanguis justus, juxta verbum Salvatoris. (Hahn III, p. 29, note 1.)

Luther (Walch, Works of Luther, 1, 615; 8, 1290) calls the peasants in Saxony "dogs, cattle, beasts": "As to the mob, Mr. Omnes, authorities must drive, beat, worry, hang, burn, behead, and rack him, they must make the populace work as we drive and coerce pigs and wild beasts.

"Whoever can and may first strangle them does meritoriously, for to a rebel everybody is both supreme judge and executioner. Therefore let who can cut them to pieces, strangle and stab them, clandestinely or openly, for there can be nothing more poisonous, more devilish than a rebel."

Luther's gigantic figure and his unique importance are as little diminished by this utterance as is the importance of the

eminent Fathers of the Church by the casual remarks quoted above. No attempt has ever been made on the part of the Jews to forge accusations out of these casual utterances in order to disparage the authors. One must always consider the time in which a word was uttered or written.

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## CHAPTER X.

### THE OATH.

#### I. The Jewish Conception of the Oath.

Rohling in his sworn Opinion for the Dresden Law Court — and like him all his plagiarists — infer from the mendacious premise that “the non-Jews are animals to the Jews” the postulate that the oath of a Jew in disputes with a non-Jew is without any value. They say, besides, that the Jew, according to the doctrines of Rabbinism, is authorized to cancel the oath mentally if forced to do so, and that this is permitted if the non-Jew does not find it out.

This makes it imperative to trace, from the sources, the doctrine of the oath according to the Talmud and the rabbis.

The oath is a solemn calling upon God for confirmation either of the truth of a statement (assertory oath) or of the earnest will to fulfill a promise (promissory oath). The sacredness of the oath, according to the Jewish doctrine, is implied in the commandment to call upon God truthfully and in the prohibition not to desecrate the Divine Name by an untruth. This commandment is found in Deut. 10:20: “Thou shalt fear the Lord thy God; him shalt thou serve, and to him shalt thou cleave, and swear by his name.” The prohibition occupies the third place in the Decalogue (Exod. 20:7): “Thou shalt not take the name of the Lord thy God in vain; for the Lord will not hold him guiltless that taketh his name in vain.” The prohibition is further found in Lev. 19:12: “And ye shall not swear by my name falsely, neither shalt thou profane the name of thy God: I am the Lord.”



These are the two starting points of the oath. The positive commandment marks it as sacred from its lofty nature, the prohibition points, apart from persons and things, at its connection with God, and makes its infringement the more criminal.

The positive commandment is based on the only just conception that every statement referred to God, signed (as it were) with this Name, is sacred, holy; that calling to mind this Supreme Being, the fountain-head of truth, is the best admonition to affirm the truth, wherever it is required. And this commandment goes even beyond this conception, by calling the swearing by God a merit, an appropriate means of strengthening us in our awe of God and in our love of truth.

The oath, then, is not only a confirmation given to somebody, the judge or another competent person, of a thought or act of ours, it serves not only as an external means of joining the visible to the invisible, but it represents truth as pure worship of God.

Maimonides (*Mishne Torah, Shebuoth XI, 1*; Nöldeke and Wünsche 193) teaches, that

"he who has been administered an oath by the law court must swear by the name of God, as it is written Deut. 6: 13., Thou shalt swear by His name. This is a commandment, for swearing by His great and holy name is part of the worship of God (literally: in the way of service), and He is glorious and all-holy to swear by His name."

The oath, then, means worshipping God by confessing the truth; it is, therefore, an act connected with divine service, and from this fact follows the sanctity of the oath. The oath of the Jewish conception must not, then, be confused with that of the ancients who based everything on the negative ground of perjury, that is, the oath had to be kept because perjury was followed by punishment.

Just as the oath has its objective sanctity and is worship of God, so perjury, setting aside the wrong done by it to men, is blaspheming God — no matter against whom, before what court, or where; nothing can extenuate the crime of perjury. The Roman maxim, *Neque dedi, neque do fidem infideli cuiquam* (Cicero, *de officiis* III, 29), does not apply, for it is in the desecration of God that the infamy of perjury lies.

Maimonides, (ibid. II, 1; N. and W. 194), after dividing all oaths into four classes, continues:

No matter whether he swears one of these four kinds of oaths with his own mouth, or whether others administer the oath to him, and he himself replies with "Amen". If even a Goy or a child administers the oath to him, and he replies "Amen", he is bound, for he who says "Amen" after an oath is to be considered as if he had uttered the oath with his own mouth. No matter whether he answers "Amen" or another word that has the same meaning, for instance, whether he says "Yes", or "I am bound by this oath", or "I have taken this oath upon myself", and almost anything of this sort in any language (not only in Hebrew) it is the same as if he had sworn.

*Shulchan Aruch, Yore Deah*, 237, 1, 2 (N. and W. 195):

§ 1. If one says: I swear that I shall do this, or that I shall not do this, this is an oath, even if he utters neither the name (of God) nor any other reference. And it makes no difference, whether he has uttered the oath in the holy (the Hebrew) or in any other language.

§ 2. If somebody else administers the oath to him saying, I make you swear that you do this or that, and he answers with "Amen" or with some oath or term which has the meaning that he takes the oath upon himself, if, for instance, he says "Yes" or "I agree to thy word", then it is the same as if he himself had taken the oath, even if a Goy or a child had administered the oath to him.

Of perjury Maimonides says:

If the perjurer has undergone the corporal punishment of stripes, his sin is not entirely atoned for, for it says in the Scripture (Ex. 20:7), "For the Lord will not hold him guiltless that taketh his name in vain." Thus he is not absolved from the heavenly judgment, until he has been punished by it, on account of the great name that he has desecrated, as it says (Lev. 19:12), Neither shalt thou profane the name of thy God. Therefore, beware of this sin before all other transgressions.

This sin is among the most heinous that we have set forth in the ordinances about expiation. Though neither extermination nor capital punishment is incident to it, it implies the profanation of the Holy Name which is greater than all the sins. Maimonides, ibid. XII, 1 and 2; N. and W. 196.

Hai Gaon (died 1038) says in *Teshuboth Ha-Geonim*, fol. 14b; N. and W. 197 that the oath is also binding on a Jew if he takes the oath at the request of a Mohammedan, by the name of Allah.

It says (Jer. 4:2): "And thou shalt swear, The Lord liveth, in truth, in judgment, and in righteousness." The Holy One, blessed be he, spoke to Israel, Ye are not to think that it is permitted to swear by my name even in truth. Only then mayest thou swear by my name if all these

qualities are in thee: Thou shalt fear the Lord thy God (Deut. 10, 20), i. e. thou must be like them who have been called godly, like Abraham, Job and Joseph. It happened that king Jannai possessed two thousand towns which were all destroyed on account of a truthful oath. How so? One said to the other, I swear that I shall go, and that I shall eat this and that in such and such a place, and that I shall drink this and that in such and such a place. And they went and kept their oath, but still in consequence of it they were destroyed. If this happens to him who takes a truthful oath, how much more to him who takes a false oath. *Midrash Bemidbar* c. 22; N. and W. 198.

This is somewhat like the absolute prohibition of the oath in *Matth.* 5, 34 ff.

The Jewish philosopher Philo in his *Fragments* delivers himself about perjury in the following way:

God is merciful, it is true, but he does not pardon him who swears falsely, since he pollutes and contaminates himself so deeply, even if he escapes human punishment.

The intimation of Philo's that perjury should be punished legally (by men) with death or corporal punishment is very remarkable.

In what respect the Jewish oath was held is seen from the evidence of the Church Father Chrysostom who complains that the Christians wished by all means to swear in the Synagogue, because the crowd deemed oaths sworn there to be feared (*Chrysostomus contra Judaeos* op. I, p. 558—596). Pope Innocent III., in letters to Peter of Sens and Odo of Paris (15th of June 1215) protested against Christian evidence adverse to Jews not being credited, whereas Jewish evidence against Christians was accepted. *Pothast, Regesta Pontif.* (Berlin 1874). Nr. 2565. Migne, *Patrologia Lat.*

For thus they (the Rabbis) said in the treatise *Shebuoth*, Fol. 39a, Things which neither fire nor water destroy, a perjury may destroy, as it says in *Zech.* 5:4, That he in his house, and his timber, and his stones...

He who swears to a Goy, and breaks his oath profanes the name of God. We learn from Zedekiah who swore to Nebuchadnezzar, and (since he repudiated it) was punished for it. And when he broke his oath, it was said of him, Shall he prosper? shall he escape that doeth such things? (*Ezekiel* 17:15). And the prophet further declares that the Holy one — blessed be he — had sworn that "in the place where the king dwelleth who made him king, whose oath he violated...

in the midst of Babylon he shall die" (ibid. 16). And Zedekiah deserved all these punishments on account of breaking the oath which he had sworn to the king of Babylon. Therefrom we may learn how weighty an oath is which was sworn to a Goy of the peoples and broken. How great is his punishment! It reaches as far as heaven. And this is only because of the profanation of the Divine Name. Thereof the Scripture says (Lev. 19:12), And ye shall not swear by my name falsely, neither shalt thou profane the name of thy God: I am the Lord, (i. e. who punishes if thou swearest falsely in any way, and even if it concerns, a Goy, for by it thou profanest the Divine Name). Bechai, *Kad Hakkemach*; N. and W. 199.

A Jew was bound to a Goy (non-Jew) to take an oath. He said, What am I to do? If I swear truly and, by the truthful oath, get my money out of his hands, I shall give half as an alms. Thereupon, one said to him: It is right, to be sure, that thou swearest a truthful oath, but the sage said, Even if thou givest everything as an alms, and addest from thine own as an alms, it is still better not to give any alms and not to swear at all, not even a truthful oath. — How many towns have been destroyed on account of a truthful oath! Therefore men ought to take care, and to do business with a Goy as well as with a Jew only in presence of witnesses (and thereby avoid the danger of having to enforce one's right by an oath). *Sefer Chassidim* number 418; N. and W. 200.

A Jew against whom a false accusation had been brought had to refute this false accusation by an oath. All the same he was troubled by remorse for having taken the oath though it was correct, and though he was compelled to take it in order to save his life. But his parents had never taken an oath. Thereupon, a wise man told him: If thou wouldst be forgiven for the sin, then thou must resolve not to make protestations by the name of God, neither in truth nor in indifferent matters, and in no language whatever. *ibid.* number 419.

## II. Reservatio Mentalis.

The doctrine of secret reservation (*reservatio mentalis*) was not unknown to the Talmudists either. The Talmud repudiates this doctrine most emphatically, and that in many passages where the repudiation of the secret reservation is expressed by a legal maxim, "The words in the heart are no words". These passages are to be found in *Kiddushin* 50a; *Meilah* 21a; *Nedarim* 28a. This is not the utterance of a single author, an ethical admonition, but a fundamental maxim of the law which is applied to many cases.

The "mental" word has not the force to cancel the spoken word, or even to correct it. "Thoughts are not words", is the maxim.

If any one contracts a betrothal on the supposition that his betrothed is of priestly kin, of a distinguished, rich family, it does not affect the betrothal at all, if this opinion, on the strength of which he contracted the betrothal, proves erroneous, for thoughts are not words, and have not the force to cancel the spoken word. *Kiddushin* 50a.

In contrast to this we read:

Edmund has been betrothed to Helena, a girl of the same status and fortune. Just when he was about to celebrate his wedding, he received a rich inheritance from his uncle. He therefore forsakes Helena in order to marry another girl who possesses as much money as he himself. Edmund need not be uneasy on account of that. Professor Johannes Petrus Gury. *Casus conscientiae*, Ratisbonae 1865, p. 595.

The Jewish divorce is valid only in case the husband hands over the bill of divorce to his wife voluntarily and without coercion. Still it may happen that a married woman extorts the divorce from a court. The court of justice compels the condemned husband to hand over the letter of divorce to his wife "voluntarily".

He is made to say, "I will". If the sly man afterwards protests that he understood the words in the sense, that he willed because he was compelled to do so, the legal consequences of the divorce are not affected by it, for "thoughts are not words", and what he thought in his heart cannot cancel the legal force of the spoken words. (*Kiddushin* 50a where several other cases are enumerated.)

Desires, thoughts, silent reservations are of no avail; it is only the professed declaration that matters. *Kiddushin* 50a; N. and W. 202.

And when he is sworn one tells him, Know that we do not administer the oath according to your meaning, but according to the meaning of God and of the court of justice (i. e., the oath is not valid according to the meaning that thou harbourst in thy thoughts, but as it must be understood according to the literal sense), for thus we find it in Moses, our master, when the Israelites were sworn by him "that I put you to the oath not according to your meaning, but according to the meaning of God and of myself". *Shebuoth* 39; N. and W. 202.

Essentially the same is to be found in *Tosefta Sota* 7, 4 (Zuckerman, p. 306).



When he is sworn they tell him, Know that we do not administer the oath according to the condition which is in thy heart (not according to some *reservatio mentalis*), but according to our meaning and that of the court of justice. *Nedarim* 25a.

There is another explanation of the words (Prov. 11:21): Though hand join in hand, the wicked shall not be unpunished. If somebody has a quarrel with his neighbour, and he swears with his mouth, but cancels it in his heart, could you say, then, that he shall go unpunished? Therefore it says, The wicked shall not go unpunished. Here it says, The wicked shall not go unpunished, and there (in the decalogue, Ex. 20:7) it also says, For the Lord will not hold him guiltless that taketh his name in vain. And as there the term refers to the oath, it also here refers to the oath. *Yalkut Shimeoni* on Prov. 11: III, number 947. Ed. Amsterdam, Fol. 137 b. Ed. Warshaw, Fol. 983 b.

Nöldeke and Wünsche add (number 205):

From the likeness in the words of the threat of punishment it is inferred that the crime is the same, i. e. that Prov. 11:21 refers to perjury. For us the most important thing is the condemnation of the *reservatio mentalis*.

A classic instance of this is Joshua, the disciple and successor of the lawgiver Moses, who in the Sayings of the Fathers I, 1, is named as the second link in the chain of tradition. The pagan inhabitants of the commonwealth of Gibeon had deceived him into a covenant under the cunning pretence that they were no Canaanites, and that they hailed from a distant country. On this supposition, he swore the covenant by oath, the oath was taken voluntarily, and was respected, even after the fraud was discovered. His mental presumption could not cancel the force of the oath. Compare Joshua c. 9.

Only one single case is thinkable in which the unspoken word becomes valid — if the spoken words may be thought non-existent, if they are violative of law and custom.

For the oath must not be based on an injustice. The oath, whether assertory or promissory, extorted by a bully, has in the judgment of the most enlightened teachers of law no force. The objection that even this oath ought to be kept, if sworn by God, is refuted by the very definition of the oath. The oath is a calling to mind of the truth through God, but God can only be appealed to for justice, and truth can never be coupled with injustice. It is

the bully who commits perjury in compelling somebody to make God a witness of injustice, that is, of untruth. Coercion cancels the oath also on another ground, for the oath is not based on remembering God, but on the evidence of fear, very often a fear which robs of all reason.

This idea is clearly and succinctly expressed in *Yore Deah* 232, 15 (Nöldeke and Wünsche Nr. 206): "If one does violence to another and inflicts pain upon him until he swears to pay him so and so much, this oath or vow is null and void, no matter whether the oath was extorted by Jews or Gentiles". Nöldeke and Wünsche add the remark: "This is a legal maxim which obtains also in modern law".

It is a falsification of the idea, if Rohling says in *The Talmudic Jew*, p. 31:

About this cancelling of an oath, the rabbis pronounce the maxim that it is permitted if one was coerced into the oath. If then the Christian authority holds the Talmudic Jew to his oath he cannot help thinking with regard to the stated principle that the Jew, on account of having been coerced into it, does not think himself bound to say the truth. If a king orders a Jew to depose under oath whether another Jew had sinned with a Goya, in order to sentence him to death, then this oath is called a forced oath and must be mentally cancelled.

In confirmation of which he quotes *Yore Deah* 232, 12; 14 (N. and W. 207).

§ 12 runs thus:

If somebody has vowed to another that he would dine with him, and he or his son fall ill, or a river is in flood so that he cannot come (force majeure) then one is not bound by the vow.

§ 14 says by way of introduction:

If somebody promised or swore something to another, having been coerced into the oath, then it is no vow and no oath. Therefore one vows to murderers and publicans, if a publican comes without being authorised by the king, or if he comes to take from him more than his tax amounts to.

One sees at once what the *Shulchan Aruch* means by coercion. The publican who is not authorized by the state, consequently is a robber, a highwayman, evidently practises unjust coercion, if he tries to extort payment; likewise he who oversteps the legally fixed tax. The parallel with the murderer is not inappropriate, and the coercion into an oath is certainly an unjust coercion which

has no binding force. But from a religious awe of the mysterious sacredness of the spoken word, or from a certain fear of the supposed effect of some latent mystical power, the authors of the *Shulchan Aruch* demand that the swearer add a qualification cancelling the whole. If, then, for instance, one swears: "I will deny myself the enjoyment of all the fruit in the world, if that is not so and so", one must add mentally, "The fruit shall be forbidden to me only to-day."

Nöldeke and Wünsche add:

This is a quite misguided fear of acknowledging the bare proposition:  
In face of threatening violence, false swearing is permitted.

As another instance the *Shulchan Aruch* adds:

If a king or a man in power has ordered somebody to give evidence, under oath, about somebody whether he had offended with a Goy, in order to sentence him to death, then this is a forced oath which he may mentally cancel.

According to Jewish law unchastity is punished severely, but not with death, which is quite in harmony with modern legal principles. It was different in the Middle Ages. Love affairs between Christians, especially if the man was of a high social status, went unpunished or were punished indulgently, but the Jew who had offended with a Christian was to suffer death.

Nöldeke and Wünsche add:

But it must be borne in mind that all this applies to cases of unjust coercion only, and that none of the cases treated here can possibly occur within the legal order of modern civilized States. The words of Prof. Rohling, "If, then, the Christian magistrate administer an oath to the Talmudic Jew", deceives him who relies on them. The regular administration of an oath by a magistrate is no coercion in the sense of the Jewish law, and in case of a regular oath no mental reservation is permitted to the Jew.

This positive declaration of the two eminent scholars, Professor Dr. Theodore Nöldeke and Dr. August Wünsche, results from their having examined the maxims in question in their context and from their knowledge of the Talmudic idioms. No legislation in a modern State visits a false oath, under such coercion, with any punishment. For this reason *Yore Deah* 239, 1, *Ilagaah*; N. and W. 208 permits the thief to swear a false oath of exculpation, and the commentaries *Sifthe Cohen* and *Beth Chadash*

remark that it is a case in which stealing was punishable with death. That was, then, in regard to Jews a thing of common occurrence.

In the work of Professor O. Knopp of Rogasen, "Legends and Stories from the Province of Posen", published with the assistance of the Historical Society of the Province of Posen, p. 311-314, it is reported: "Once several horses were stolen from Prince Sapieha, the owner of the domain and the castle of Filehne, in the 16th century [at the time, then, when the *Shulchan Aruch* was being compiled]. Suspicion centred on several Jews, and the suspected ones had short thrift: all the ten of them were hanged. But the neighbouring magnate of Czarnikau, the nobleman Czarnkowski, protested because the Jews hailed from his domain. He demanded substantial satisfaction. Thereupon, Prince Sapieha had ten Jews in Filehne seized, and sent them to his neighbour, advising him to do the same. This was done. After many years, the innocence of the condemned was proved, and in order to soothe his conscience the prince had a chapel built in the place where the Jews had been hanged; this chapel was consecrated to the patron of Filehne, St. Lawrence, and exists to the present day."

And he is not bound to suffer death in order to avoid the offence (of a false oath), as (is set forth) in chapter 197. But it seems (to us), that he must be assisted as much as possible, even with property (so that he is able to pay and to avoid the double-tongued oath of exculpation), in order that the name of heaven (of God) be not profaned. *Sifthe Cohen on Yore Deah* 239, 1; N. and W. 209.

Nöldeke and Wünsche add by way of explanation (number 209):

Only in a case of extreme emergency such an untrue oath may be taken; in order to escape undeserved death, the Jew may commit any crime except idolatry, fornication and bloodshed (see number 92); but all the Jews are enjoined, if it is a question of profanation of the divine name, to assist the pennyless thief, who is in such extremity, in such a way that they get up the sum necessary for the settlement.

Rohling, in his *Answer to the Rubbis*, p. 28, rails at these provisions of the *Shulchan Aruch* which, in such a case, permit the Jewish thief the false oath. The fictionist Dinter in *Sin against the Blood*, p. 312, thoughtlessly follows his lead. What does the Church teach in this case?

Corpus jur. can. Decr. Greg. Liber II, Tit. XXIV, chapt. XV, declares an oath forced from somebody, through fear of losing his life or property, as void. Ferraris Prompta Bibliotheca Tom. IV, Juramentum, Additiones Casinenses, number 27, p. 1153, it is declared quite probable that the accused may abjure his debt, if a grave punishment threatens him. What, then, is permitted to the Christian, is a sin in the Jew.

He who is forced to take an oath by a judge, who proceeds unjustly and illegally, may on account of the wrong and violence done to him use equivocal words so as to deceive the judge. Professor Stephanus Fagundez, 1577—1645, *Tractatus in praecepta decalogi*, Lyon 1640, tom. I, p. 285.

Lastly Rohling accuses Asheri that, in *Hagaoth Asheri on Shebuoth*, he teaches:

But those whom the lord of the town makes swear that they will not leave the town nor convey anything out of it, are allowed to use cunning and to think in their hearts that they will not leave the town nor convey anything out of it to-day (but will do it to-morrow). N. and W. 211.

This opinion calls to mind a sad bit of Jewish history in the Middle Ages. Whenever it was feared that the victims selected for the stake might secretly leave the country, or that compulsory converts might cross the frontier, then the Jews were made to swear that they would remain in the country. This was done especially under the rule of the Visigothic king Receswinth to sham converts. King Erwig introduced a sort of spiritual passport, and punished every attempt at flight rigorously; later on, the Inquisition imitated this proceeding: those converted by force were compelled to swear that they would not leave the country. It would have been immoral to respect such an oath, and the rabbis permitted a reservation in this case.

This happened repeatedly in the course of the centuries.

In March 1421, the Archduke Albrecht of Austria had 104 Jews burned publicly on the Werd in Vienna, while many of their fellow-sufferers died by their own hands in prison. As a pretext, they were charged with having robbed three Christian children, and with having bought from the wife of the sexton of Enns a host and sold it to other Jewish communities. Even pious



Christian historians stigmatize this event as a great financial coup of the Archduke's, with the purpose of confiscating the property of wealthy Jews.

A report of the 16th century, in the Vienna Ministry of Finance, records the following facts:

"Count Wolf at Poesing owed money to the Jew Esslein Ausch of that place, and besides to several other Jews in Marchegg in Lower Austria. He wanted to get rid of these debts by putting his creditors out of the way. Count Wolf persuaded an old feeble-minded woman to kidnap a child, and to remove herself and it to another place. After this had been done, the count made his accusation against the Jews. Esslein Ausch was incarcerated and put on the rack... He confessed everything that was demanded of him — among other things, that the Jews in Marchegg were his accomplices. Thereupon, all the Jews who had not saved their lives by flight were burned alive. But when Count Wolf wished to continue this practice in Marchegg, the Jews appealed to the Emperor Ferdinand to have the case inquired into. While the trial was going on, Jews from Vienna, who were travelling on business, found the woman and the child that was alleged to have been murdered, and thus the trial came to an end." The fate of Count Wolf is not revealed in the report.

The historian Werunsky reports:

The Lords Spiritual, for instance the archbishop of Cologne who surely must have known what the Church permits, and the archbishop of Mainz as well, borrowed money from Jews to their hearts' content, and when the amounts of the debts became large they began to think it was time for another Jew-burning. They, of course, had no hand in it, but by a wonderful instinct they were able to predict it a year in advance. The Lords would come and say to the emperor: When there is another Jew-burning we beg for this or that house. Such performances actually took place. We have documents in our hands which granted in advance to the Lords Spiritual the houses of those Jews who possibly might be burned in the course of the next few years.

Pope Innocent IV. writes in his often-quoted magnanimous bull: "Because of avarice and blood thirst Jews are robbed, tortured, and killed without a trial; in order to unjustly wrest their property from them, wicked designs are hatched against them."

Occasionally, some Jews would get wind of what was going to happen and prepare to escape. Presently, they were summoned and made to swear not to leave the town. Since they knew what was in store for them, they did not consider themselves bound by this oath, and, to this day, are taken to task for this by such sentimentalists as Rohling and Justus.

In the Middle Ages, perjury was punished by cutting off the hand, and we cannot help emphasizing the fact that the old chroniclers nowhere mention such a punishment as having been inflicted on Jews. Bearing in mind that the Christian writers of the past 600 years record and amplify every small occurrence unfavourable to the Jews, this silence is tantamount to a positive proof that Jews were seldom guilty of perjury.

### III. Gentiles Testify to the Sanctity of the Jewish Oath.

In modern times, too, whenever impartial judges have occasion to refer to it, their testimony as regards the oaths of Jews is in their favour.

On February 25, 1869, Herr von Thadden said in the Prussian Chamber of Lords: "I have had thirty years' experience as a judge; I have always found the Jews very strict about an oath. The form is of no account. If the Jew swears by his God, he never swears falsely."

The president of the Provincial Law Court, Leopold von Kunowski (a brother of the president of the Supreme Provincial Law Court in Breslau, and also a partisan of Stöcker) who for fifty years had occupied different positions as judge, and therefore knew, as few did, the population of many provinces, especially their attitude towards an oath, pays the Jew's oath a high compliment in his book *Will Social Democracy Win?* (5th edition, Velhagen & Klasing, 1891, p. 98):

... Even if we keep our eyes open (= to be frank) we must admit that a great part of this (the Jewish) population are piously attached to their religion and have many an estimable virtue, above all, an exemplary regard of the children for their parents, and an abhorrence of perjury ...

The antisemitic "Hallesche Reform", file 1902, published a decision given by the law-court of Darmstadt the original of which was under their consideration, with the following remarks:

The court of justice has no occasion to doubt the trustworthiness of the witness St. He made an impression which inspired confidence, and his depositions were made under oath. He is of the Mosaic religion, whose adherents, according to the experience of the court of justice, religiously keep their oaths. Consequently, his religion is an additional earnest of his trustworthiness.

The *Kreuzzeitung* was quite shocked at such glorification of Judaism.

In October 1897, a barrister of Prague, Dr. Theodore Weltsch (See *Österreichische Wochenschrift*, file 1897, number 44) sent me the following letter:

"On the occasion of a public proceeding in the law court, at which I acted as attorney, the question was to prove a salient point which only could be effected by the evidence of the defendant (a Jewish merchant in Vienna) under oath. The judge, a wellknown and honoured member of the judiciary, admitted this evidence, saying, in the hearing of the numerous Jewish and Christian colleagues: 'An Israelite does not forswear himself, I know that very well; he is very conscientious.'"

In the beginning of April 1899, a trial was held in the district court of the *Königlichen Weinberge* near Prague, in which the judge Machalicky heard a Jewish witness by the name of Black. After the deposition of this witness, the parties offered further proofs, which, however, the judge rejected with the remark that he was convinced of the correctness of the testimony, as he knew by experience how conscientious the Jews were in regard to an oath.

On the other hand, the Lord Bishop of Breslau, Dr. Kopp, thought it necessary to issue (1890) a pastoral letter condemning the alarming increase of perjury among his flock:

"I am deeply pained to see, from the reports of the government authorities, that, in the circuits of Oppeln and Ratibor, there has been for some time a regularly organised band of conspirators, who, by the criminal means of perjury, particularly by alibis, in

trials and in pending lawsuits, undermine truth and right, and endanger law and security."

The pastoral letter inculcates the saying of the Bible (Zech. 5:4), "(The curse) shall enter into the house of him that sweareth falsely by my name; and it shall remain in the midst of his house, and shall consume it with the timber thereof and the stones thereof," and charges the clergy to do their utmost from the pulpit against the spreading evil.<sup>1</sup>

#### IV. Two Anecdotes.

In order to support this charge, that the Jews are permitted to perjure themselves towards Christians, Rohling took it into his head to utilize two anecdotes for his ends, namely those told in *Aboda Zara* 28a (N. and W. 213); and *Yoma* 84a (N. and W. 214).

Let me make a preliminary remark. The Bible makes it obligatory upon every Israelite to restore lost property to the loser, and the rabbis place under this head the most valuable goods of man, life and health. If your fellow-man is fighting with the waves or is threatened by fire, you must try to save him; if he has lost his health and it is in your power to help him to recover it, you come to his assistance. *Yore Deah* 336, § 1 and 3 (Hagaah) says:

This religious duty is incumbent on all who have an opportunity of performing it.

He who had vowed to deny any benefit to another, may give him medical help in his illness, because in doing it he does not consider the patient but performs a religious duty. Some, therefore, would not permit the medical man to accept a fee, because one is not to accept a fee for a religious duty; all they allowed was an indemnification for lost time. The above-mentioned passages (*Aboda Zara* 18a and *Yoma* 84a) tell of a rabbi who

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(1) St. Augustine, in Psalmum XXVI (Works IV, 116, Friedländer, *Sitten-geschichte* III, 644) quotes the answer of a pagan to a Christian who wanted to convert him: "How can you expect me to become a Christian? A Christian has cheated me; I have never done such a thing. A Christian has perjured himself to me; I have never done such a thing."

had a toothache treated by a matron. On Friday he asked her to let him have her remedy as he was not allowed to call on her on Sabbath. She made it a condition that he should swear to keep the remedy a secret. He took the oath, but instead of swearing by the God of Israel that he would not divulge the secret, he swore that he would not discover it to the God of Israel. He left her and, in a public discourse, made the remedy known to the world. In the Talmud, then, the question is raised —

Was that not a desecration of the Divine Name? Answer: He enlightened the matron, before giving the lecture, as to the nature of the oath.

It is evident from the text that this was not a perjury or a breach of an oath, but a trickery to worm out a secret. He was to swear an oath to keep a secret, and he deceived her by not swearing nor even speaking words which imply an oath. It was a deception, a piece of cheating, but no misuse of an oath. He committed the deception for the common good. In *Jer. Sabbath* 14, 4 and *Jer. Aboda Zara* 2, 2 the same anecdote is told, only the story of R. Jochanan having taken an oath is omitted; evidently the compiler did not approve of the oath. In no other place is this story referred to.

The second anecdote Rohling unearthed from *Kalla*.

This is an apocryphal treatise, is not incorporated in the Talmud, having been written many centuries after the Talmud had been compiled, and does not enjoy any authority at all. The passage tells the story of a boy who behaved with extreme insolence towards several rabbis. One of the teachers said he must be a bastard, another ventured to guess some other blot on his descent. Akiba asserted both were right. Thereupon, a dispute arose, and Akiba, in order to find out the truth, called on the mother and prevailed upon her to confess that he was right, by swearing that he should procure her eternal blessedness; but while swearing he mentally cancelled his oath.

The story recalls the legend of St. Crispin, yet nobody will try to infer from that the views of Christianity on theft. Neither

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(1) This is a play on the words *Ehebruch* (adultery) and *Ehe brechen* (to break a marriage).



does this story teach a legal or moral rule of life. We refer the reader to the passage in Ferraris *Prompta Bibliotheca* IV, *Juramentum, Additiones Casinenses*, p. 1154, where it is said that an adulteress may deny her adultery before her husband by assuring him that the marriage is not broken, because it is still in force (therefore, not broken) or by swearing, after having been absolved in confession, that she is innocent of that crime, mentally saying that her guilt was taken from her by the absolution. In conclusion, it must be remarked that the woman deceived by Akiba was a Jewess, and there is, therefore, no question of the oath of a Jew sworn to a non-Jewess, nor of an oath taken before a magistrate, so that Rohling's inference, "A Jew does not keep an oath sworn to a Christian", has no foundation whatever.

In fact, such passages must be read in the light of the times in which they were written down. The following quotations from Christian theologians of the time of the *Shulchan Aruch* will show that the attitude toward an oath, like other moral ideas, are subject to evolution and must be judged by the standards of their times.

He who from courtesy swears, By God, I will not go, I will not do it, does not break the oath if he goes, if he does it. Em. Sa, 1530—1590, *Aphorismi Confessariorum*, p. 374.

He who swears in his exculpation that he has does not possess a certain thing meaning by it "to give it away" commits no sin. Petrus Alagona, 1549—1624, *Compendium Manualis*, p. 87.

Even if I say, I swear by God, not meaning to call on God as witness of my assertion, I do not call on Him except materially, just as a parrot trained by its master would repeat these words. Thomas Tamburini, 1591—1675, *Explicatio Decalogi*, p. 78.

To make an oath real, it is not enough just to pronounce the characteristic words of the oath materially, if the intention or will to swear and to call on God does not go along with it. Otherwise it will be no real oath, but a fictitious and fraudulent one which, sometimes, to avoid scandal and injury, may carry its own binding force with it, but not on the strength of religion. Paulus Laymann, 1576—1625, *Theologia Moralis*, p. 121.

It is not inwardly wicked to use equivocation even in an oath; it is therefore not always perjury. If somebody, having borrowed money and paid it back, is summoned by the courts to pay it again, and, is not

able to prove that he has paid it back, he may, on being asked by the judge, deny having borrowed it, meaning thereby that he does not owe it, or that he does not have to admit it. Franciscus Suarez, 1548—1617, *De Virtute et Statu Religioso*, p. 473.

The sixth proposition is: If there is a legal ground to use an equivocation or a quibble in swearing, although he to whom it is sworn understands it differently from him who swears and is thus deceived, this is no grievous sin, sometimes not even a venial one. Valerius Reginaldus, 1543—1625, *Praxis Fori Poenitentialis*, p. 97.

## V. The Day of Atonement. — Kol Nidre.

In *My Answer to the Rabbis* (p. 45) Rohling presents his readers with a sort of discovery which he copies from a Jewish convert "who had led the life of a saint". There are, he says, two ceremonies, named *Hapharath Nedarim* and *Kol Nidre*, by which the Jew may be released from all oaths and promises without having to specify them. These two rituals (not "ceremonies") are a fact and may be read in our prayer books of the present time; consequently, they are anything but a secret. Curiously enough, Herr Rohling refers to a Jewish convert as his oracle, when he might have found it in Eisenmenger, his principal source, and the funny thing about it is that even at that time a Jewish convert had laid before Eisenmenger the same charges against his former coreligionists. But Eisenmenger, after a very tiresome disquisition, came to the conviction (II, 498)

that the Jewish convert lies and that *Kol Nidre* does not refer to an oath sworn by one Jew to another, or by a Jew to a Goy. It refers only to vows which one takes upon himself, etc.

To jurisprudence, the oath is only a means of ascertaining the truth, but no legal source; the oath alone cannot bring about legal validity. A promise by oath is not a judicable act, much less a promise, by oath, to God: it is simply a vow to do or to omit doing a thing. Besides, the consent of the other party is missing.

Religion and morals, on the contrary, viewing the oath not with regard to its bearing on civic life but as a vow to God, declare every promise confirmed by oath as inviolable and insist on its fulfilment; it derives its binding force not from any

claim of him to whom something was promised by oath, but from the very fact of the oath itself, the fulfilment of which is a religious duty based on the fear of God. Such a promise is generally called a vow and is applicable to acts of charity, self-denial, giving of alms. Every vow is, properly speaking, an oath, a promise made in immediate relation to the Supreme Truth. From this it follows indisputably that a vow which has for object the carrying out of some wrong cannot be valid. For wrong is untruth and cannot, therefore, be justified by truth. This is what Maimonides and all Jewish teachers of the Law call "a false oath" (Maimonides, *Mishne Torah*, *Shebuoth* I, 6).

Again, indifferent matters, which are not suggested by true piety and have no relation either to God or fellowmen and can only be referred to the doer, are to modern views not objects of the oath. Not so to theology. The duty of fulfilment does not follow from the moral quality of the action, but from the binding force of the intention to take an oath.

Scripture has the following precept (Num. 30: 2):

If a man vow a vow unto the Lord, or swear an oath to bind his soul with a bond; he shall not break his word, he shall do according to all that proceedeth out of his mouth.

Here, then, every vow, every oath is looked upon as holy, and the Jewish teachers could only discuss and explain this law, not abolish it. They acted up to their task by declaring vows as not meritorious.

It has been taught:

Accustom not thyself to vows, for by this thou wilt come to break oaths. *Nedarim* 20a; N. and W. 215.

It has been taught:

Rabbi Nathan says, Through (breaking of) vows a man's wife dies. Rabbi says, Through vows infants die. *Sabbath* 32 b; N. and W. 216.

Similar warnings are met with Jer. *Nedarim* 1; *Midrash Rabba* on Lev. 37; *Yalkut* on Koheleth 5, 4, Nr. 971.

The most emphatic passage is found in *Nedarim* 22a; N. and W. 217.

R. Nathan says, He who makes a vow is like him who erects an altar outside Jerusalem, and he who fulfils it is like him who sacrifices upon it. — Samuel said, Even he who fulfils (a vow) is called an evil-doer.

The analogy with the idolatrous altar means that a vow imposes duties not founded in religion. The vows were a source of trouble in civic life. In the hand of the oriental, with his unbridled imagination, and subject, as he is, to the powerful suggestion of the moment, the vow was a double-edged tool with which he was apt to wound himself and others. He would vow not to benefit by the goods of his neighbour, or that his neighbour should not benefit by his. He had to redeem his pledge, and the seed of discord was sown. In vain did the rabbis denounce such oaths, in vain were many restrictions decreed. The passion for making vows could not be suppressed. In A'lexandria, the vow degenerated into a moral pest. Philo (*de spec. leg.* 272 reports:

Some men swear on the spur of the moment to commit theft, sacrilege, adultery, rape, murder, or something equally evil, and they carry it out under colour of their oaths. Again there are unsocial individuals who either from misanthropy or ire — this despotic master — confirm by oath the rudeness of their manners and decline to dine in the company of this man or that or to live with him in the same lodging or to benefit somebody or to be benefited by him all their lives. Some persist in their hate beyond death and refuse to let the last duties towards the dead be performed. Others there are, boasters and braggarts, who will not listen to the voice of temperance; now, if somebody admonishes them to curb their vows, they look upon this warning as a piece of arrogance; if they happen to have means and abundance, they seal by a vow the intention to indulge immoderately in pleasures and in lust.

To the honour of the Palestinians it must be noted that vows aiming at sensual pleasures were unknown to them; thus they were superior to the Alexandrians who vowed murder, adultery, etc. The Palestinians misjudged, it is true, the proper object of the vow, but at any rate their vows proceeded from piety. Fasting, etc. was ever considered as meritorious by the many, and examining the vows mentioned in the Talmud we find that they are all vows of denial. "I will not eat" (or, very frequently, "this meat be to me like an offering", i. e. forbidden), "I will not drink, sleep", etc. are the usual vows. Vows to live licentiously, to commit adultery, etc. would have been considered not only

invalid, but as false oaths and, as such, would have been punished by stripes.

But even the vows of denial could only bring about an injurious result, a decay of society.

There is hardly any valid objection to such vows being annulled; they are worthless as it is. Besides, they are often light-heartedly pronounced, and the next moment shows them to be either inconvenient or impracticable.

Scripture (Num. 30:6), subject to certain conditions, gives to the father the right to annul the vows of his daughter, to the husband those of his wife. The annulling of vows was, it seems, introduced at a very early period. The Mishna says:

The institution of annulling vows hovers in the air and has no foundation; there is no legal basis to be found for it in the Scriptures. *Chagiga* 10 a.

It is of Talmudic origin, and the rabbis, for once, happen to agree absolutely with the doctrines of the Church.

In the pontifical Jubilee-Bull of December 25th 1900 (compare "Theologisch-Praktische Quartalschrift", vol. 54, p. 435) it says:

Likewise the father confessor may divert all the vows, even if they are confirmed by oath or reserved to the Apostolic See (except the vows of chastity, the vow to enter a religious order, and those which involve damage to a third person) into other good and wholesome works.

This pontifical doctrine of the vows is perfectly consistent with the law of the *Shulchan Aruch* which, in the annulment of vows, assumes that the interests of a third person is not prejudiced. The difference is only in the form, in so far as the Jewish law does not acknowledge the authority of a father confessor.

Nobody can annul one's own vow, but must communicate it to a scholar or to three righteous men who are not wholly ignorant, must precisely state the vow, its origin, and the reason for his desire to annul it. The precise formality is to prevent the annulment of what is not annulable, i. e. of the vow or oath that has been made to someone.



If someone wishes to administer to another an oath in his favour, and this other takes the oath upon him by saying Amen or something else, but thinks better of it, the oath cannot be annulled unless in presence of him to whose advantage it was sworn. Likewise, if somebody has sworn an oath in favour of another, it can only be annulled in agreement with the latter, no matter whether the person concerned be a child or an Akum. Maimonides, *Mishne Torah, Shebuoth, 6, 7*.

King Zedekiah had his forced oath annulled, but the annulment was void because it lacked Nebuchadnezzar's consent. The king's breaking his oath brought a heavy punishment of God on his head. *Nedarim 65a*.

Therefore, the annulment must be undertaken by a scholar, who has to investigate whether the oath or the vow be annullable, and whether no relation to another person be involved.

From the 14th century on, the scholars have given up their privilege, and the annulment can also be brought about by three individuals (see *Yore Deah 228, art. 1*).

It further says in *Yore Deah 228, art. 14*:

Previous to the annulment, the applicant must precisely state the vow and its origin; if this is omitted, the vow or the oath remain in force.

These views are reflected in the two ceremonies on the eve of the Day of Atonement, one of which is designed for private individuals, the other for the whole congregation, in order to prevent the consequences of worthless vows.

On the Day of Atonement, after fasting and mortification during the whole day, after sincere repentance and vowing of improvement, the Jew finds forgiveness for his sins against God.

But how was it possible to hope for forgiveness for the grievous sin of vows incapable of fulfilment? Every intention that has been uttered, is, in the sense of Jewish religious law, a vow.

He who says twice of a thing, I shall do it, or I shall not do it, has taken an oath. *Yore Deah 237, art. 5*.

In everyday life, one often promises to commit or omit something. According to the Jewish law, this is either a vow or an oath.

Thus a promise to one's self, without its being confirmed by oath or vow, is practically a vow. The obligation exists even if the word has long vanished from memory. In ancient times, the re-

ligious Jews used to say very often during the day, "Beli neder", i. e., this is not meant for a vow in case I should forget or else omit it. The punishment of Heaven with which the failure to fulfil such a vow are threatened are, as mentioned above, terrifying. For such sins, a man is liable to lose his wife and child. In order to find forgiveness for all these offences on the Day of Atonement, the Israelite, before everything, must get rid of the obligations which he has taken upon himself, and which perhaps have long vanished from memory. Thus, the custom of the Hapharath nedarim arose. In presence of three men, who, as it were, officiate as a quorum of judges, the Israelite, on the eve of the Day of Atonement, repents of having lightheartedly and unthinkingly made vows and taken oaths, and asks for their annulment.

The formula is to be found in all the prayerbooks. Nöldeke and Wünsche give the literal translation (number 218). There it says that one does not repent of the good deeds (determinations) as such, but of the fact that they were shaped into vows; it also says there, "I do not ask for release from those vows from which I cannot be released". (Nöldeke and Wünsche add: "namely, from such as imply obligations towards others".) Nöldeke and Wünsche further remark: "Above all, it must be emphasized that there is no question of declaring oaths as not binding, but only such obligations as have been promised to God. The rights of third persons are not affected by this annulment."

*Shulchan Aruch, Orach Chayim*, 606, 1 expressly confirms this, as does also *Yore Deah* 211, 4 (Nöldeke and Wünsche 223):

But all this only refers to a vow or an oath promised to one's self; if somebody else occasioned the vow or the oath, then this annulment does not help him (the maker) in the least.

This passage is printed in all prayerbooks in the "*Kol Nidre*".

Every Jew cannot be assumed to have the time to attend such a special ceremony; but as, according to the Jewish view, the violation of such an vow, as we have seen above, brings on most grievous Divine penalties, a similar ceremony takes place on the eve of the Day of Atonement when all the members of the congregation are present in the synagogue — a sort of collective

annulment of all those worthless vows made by the members of the congregation. For this reason, the Kol-Nidre Formula (which originated in Spain, under the cruel rule of the Visigoths, within the congregations of coerced converts, and by which the unfortunates who, in the course of the year, had sworn to the Church that they would never attend a Jewish service, and who were now about to violate that forced oath, tried to soothe their uneasy consciences) has been retained with an appropriate alteration of the text.

Eisenmenger, in his work *Entdecktes Judentum* part 2, p. 498-501, dedicates a chapter to an exhaustive discussion of "Kol-Nidre", and states,

that both parts refer to no other vows or oaths than to those by which a man binds himself of his own will, and swears that he will do or not do this or that; for instance, when a man swears that in future he will only drink water, and not eat any meat, of which there are many instances in the book *Shulchan Aruch*, (*Yore Deah*, number 238); with this, the oath which a Jew swears to a Christian or to the Christian magistrate has nothing to do. Therefore, the rabbi Salman-Zevi writes the perfect truth in his book, the *Jewish Theriak*, which he addresses to the Jewish cast slough of a snake of Samuel Friedrich Brentzen, in writing against the above mentioned accusation of Brentzen (p. 18, col. 2, and p. 19, col. 1, in the 3d chapter number 9) in the following way:

"Here writes the apostate, that we permit each other to perjure ourselves towards a Christian, &c. I affirm here that the apostate is a liar, and that 'Kol Nidre' does not refer to an oath which a Jew swears to another Jew or to a Christian. It refers only to the vows which one takes upon one's self as it is written (Numb. 30:3), 'And her father hear her vow, and her bond wherewith she hath bound her soul,' (i.e., herself). If one takes an oath for fasting or something else, the "Kol Nidre" helps him to have it annulled by an excellent man, i.e., by one who is well versed in the law, or by three righteous men."

Eisenmenger closes the exhaustive chapter with the words:

As said above, the vows and oaths sworn to a Christian or to the Christian magistrate, cannot be annulled, either by the annulment customary on the eve of the Day of Atonement, in "Kol-Nidre", or by a distinguished rabbi or three righteous men.

The Day of Atonement annuls no sins which man has committed against man.

He who says, I shall always sin, and then do penance, is not enabled (by Heaven) to do penance. (If one says), I shall sin, and the Day of Atonement will atone for it, then the Day of Atonement will not atone for it.

The Day of Atonement atones for the sin of man against God, but the Day of Atonement does not atone for the sins of one man against the other, unless he gives satisfaction to the other.

Rabbi Eliezar, the son of Azarya, states:

It says (in Lev. 16:30), That ye may be clean from all your sins before the Lord. The Day of Atonement atones for the offences against God, but the Day of Atonement does not atone for the sins of man against man. *Yoma* 85b; N. and W. 220.

Penance and the Day of Atonement atone only for the offences of man against God, for instance, if he ate something that is forbidden, or if he committed forbidden cohabitation, and such like, but concerning offences of man against man, if, for instance, one hurts or curses or robs another, and such like, then he is not forgiven, unless he gives his fellow-man what he owes him (as smart money, by way of compensation) and thus satisfies him.

Even if he has returned the money which he owes him he must, besides, give him satisfaction and ask his forgiveness; and if he irritated him by words only, he still must soothe him, and press him until he is forgiven. Maimonides, *Mishne Torah, Hilchot Teshuba* II, 9; N. and W. 221.

Offences of man against man are not atoned for by the Day of Atonement unless he soothes the other, and even if he irritated him by words only, he must soothe him, and if he does not succeed in soothing him the first time he must try a second and a third time, and every time he must be accompanied by three men. If he does not succeed the third time to soothe him, then he is not bound to him any longer (i. e., he has done his duty). *Shulchan Aruch, Orach Chayim* 606, 1; N. and W. 222.

Nöldeke and Wünsche add:

Maimonides says at the end of the passage quoted above, number 221, after having prescribed this proceeding, If the offended does not pardon the offender the third time, then he is the offender. But if the offended one is his teacher, then he must try a thousand times until he is forgiven.

But Rohling always knows better, and something else besides. In the *Talmudic Jew*, p. 83, he asserts that the Jew firmly believes that all his sins, even the gravest, and the perjuries among them, are forgiven on the Day of Atonement, and that there is no

question of any restitution being incumbent on him. He quotes five texts as his authorities: (1) *Midrash Tehill.* on Psalm 15, f. 13, 2; (2) *Yalkut Shim.* Psalms f. 94, 4, No. 665; (3) *Yalkut Chad.* f. 121, 1, 3, n. 1, 11; (4) *Kad. Hakk.* f. 43, 4; (5) *Sef. Chas.* f. 4, n. 20. The passages were all examined by Nöldeke and Wünsche, and here is their report:

*Yalkut Chadash* contains nothing but traditional reasons for the atonement of sins on the 10th of Tishri:

On the Day of Atonement, Abraham was circumcised, and every year on this day, the Holy One, blessed be he, sees the blood of the covenant of our father Abraham and atones (forgives us) for all our sins, as it says (Lev. 16:30), For on that day shall the priest make an atonement for you, to cleanse you, that ye may be clean from all your sins before the Lord.

Nöldeke and Wünsche add:

There is no word to be found of perjuries, and there was no occasion to mention anything of the duty of restitution. There is no addition to be found in Catholic books either, in any particular passage that deals with the sin-purging power of the sacramental atonement, that absolution without restitution of the damage must not be granted. This condition is certainly part of the Catholic doctrine, but there is no reason to mention it every time there is a question of the sacrament of atonement.

*Yalkut* on Psalm 15, number 665 (Nöldeke and Wünsche 226) and *Midrash Tehillim* on Ps. 15 (Nöldeke and Wünsche 227) remind Israel that it is better off than the pagans who have no Day of Atonement to help them — just as Catholic writers praise the valuable means of grace which is at the hand of the Catholics in the auricular confession, and which other sects (even Christian ones) do not possess.

Nöldeke and Wünsche were not able to find the passages in *Kad. Hakk.* on account of the method of quoting which Rohling practises, but the passages in *Sefer Chassidim* are worth quoting literally.

It holds of all the precepts of the Torah, whether they are commandments or prohibitions, that a man who deliberately or by mistake offends against one of them, is bound, as soon as he does penance and repents his sin, to confess it before God — blessed be his name! And so also to him who hurts his fellow-man, or injures him, atonement is



not granted, even if he paid what he owed him, unless he makes confession, and promises never again to commit such a deed, as it says (Numb. 5, 6; 7), When a man or woman shall commit any sin that men commit (this is explained by: sin against man; cf. *Sifre* on this verse) then they shall confess their sin which they have done. — The scapegoat sent (on the Day of Atonement) atones, indeed, for all those offences which are registered in the Divine law, the slight ones as well as the grievous ones... but for all this the scapegoat only atones, if he (the sinner) atones for it; if he does not atone for it, then the scapegoat atones only for venial sins. What are venial and what are grievous sins? Grievous sins are such as are threatened by capital punishment (through men), or by extermination (through men), or extermination (through God). But trivial and false oaths belong to the grievous sins, though they are not threatened by the punishment of extermination.

But this (the atonement by the Day of Atonement, by atonement and sufferings which God inflicts on him; compare number 148) is only the case if he has not profaned the name of the Lord at the time he was sinning, for instance, if he committed the sin secretly; but if he profaned the Lord openly, then nothing will help him, even if he did penance, and the Day of Atonement was near, while he persisted in his penance, and sufferings overtook him, to redeem his guilt, and to grant him perfect atonement until he dies.

And what is penance? That the sinner abandons his sin and (banishes) his evil thoughts from his heart, and resolves in his heart upon not doing it again.

It further belongs to penance that he always clamour before the Lord with weeping and supplication, and that he practise justice as much as in him lies.

And it is a great distinction for the repentant sinner if he confess and make known his sin in a great congregation. He reveals before others the sin against his fellow-man, and says to them: I have been sinning against this and that one, I have been doing them this and that, but to-day I do penance, and I repent. — But this is only the case if the point in question is an offence of man against man; in case of offending against his Creator he need not make it known, nay, it is even looked upon as impudence if he reveals it to another man; let him do penance before the Creator only, blessed be he. *Sefer Chassidim* 20; N. and W. 224.

He who does certain things cannot possibly do complete penance because he committed them against others, and the others do not even utter the desire that their forgiveness might be asked, or that he make restitution after having robbed them. These are the following cases:

(1) If he curse a whole community, and not an individual (single man) so that he can go to him, and persuade him to forgive him. (2) If one shares with a thief (acts as receiver); since he does not know who has been robbed, because he robs any man whatever, and he brings the things to the receiver, and takes them from him again. Thus he does not know to whom he is to give it back; besides, he assists the thief and beguiles him into sin. (3) If a man finds something that has been lost but does not announce the fact, so that he can give it back to the owner; if, later on, he does penance, he does not know any more to whom he has to give it back. (4) If a man consume property which has been extorted from the poor, or from orphans and widows, these are miserable beings who live unknown, in obscurity, and wander from one town into another so that nobody knows them, and so he cannot learn to whom he ought to make restitution. (5) If a man accept bribery in order to warp justice, and he does not know how far the warping (of justice) has gone, and how great is the damage to be able to make restitution to him (whom he has injured). Add thereto that he (the judge or the official who, on account of bribery, leaves him unpunished who wrongs other people) countenances the misdeed, and beguiles him into sin. *Ibid.* 19; N. and W. 225.

From all this, we may conclude:

The false oath, according to Talmudic principles, is a grievous sin which can only be atoned for if the damage caused by it is retrieved, the injured man reconciled, and the resolution has been taken not to sin again. The cases in which nullity of the oath with or without reservation is taught are either those in which, even according to modern views, there can be no question whatever of a binding oath, or those in which we must speak of a real emergency in which a people who were regarded as possessing no rights had to defend life and property against brute force. It makes no difference whatever whether the oath was sworn to a Jew or to an inferior idolater. The rabbis point out the sad end of King Zedekiah of Judaea as a just punishment of God for his having broken the oath which he had sworn to the pagan king of Babylon, Nebuchadnezzar; they keep reminding again and again, and Rashi (on Jeremiah 39, 6) comments on the words, "Then the king of Babylon slew all the nobles of Judah", as follows:

These were the members of the Synhedrion, the high counsellors who had released him from his oath; it was a sin in the eyes of God that they released him from his oath.

## VI. The Church and the Oath.

The Corpus juris, on the other hand, knows cases in which the oath is not binding. Thus the heading (summa) of Decretalis Gregorii Liber II, tit. XXIV, cap. XXVIII says in general that an oath taken to the detriment of the Church is not binding.

In Ferraris *Prompta Bibliotheca*, vol. IV, Juramentum, art. 19, p. 1095, priests and monks are permitted, under certain circumstances, to swear to the judge and to the tax-collector with mental reservation. There it says:

Likewise, a priest or a monk, if he is summoned before a secular judge, may swear, not only for himself, but others may swear for him that he has not offended, whereby the reservation was made use of that one must give evidence before an incompetent judge. Likewise a clergyman or a monk or another person who is exempt from taxes, when asked by the tax officer whether he has anything dutiable about him, may swear to the negative, and make use of the reservation, I have nothing about me for which I should be bound to pay duty.

In Ferraris *Prompta Bibliotheca*, vol. IV, Juramentum. Additiones Casinenses 26, p. 1152 the accused and the witness are permitted to give false evidence under oath if the judge is not entitled to put the question. In the latter case, the witness is even bound to swear that the accused is innocent, and the accused is authorized to make a denial on oath.

Ferraris *Prompta Bibliotheca*, vol. I, Accusatus 43, p. 208 generally permits everybody to swear falsely to escape being taxed to an unjust extent.

Ferraris *Prompta Bibliotheca*, vol. IV, Juramentum art. 1, 18, p. 1094:

Likewise, a man may swear with reservation that he has not been in a certain place in order to frustrate plague regulations, if he knows that the place is not stricken with the plague, or if he is convinced that he was not infected.

Jacobi Simancae, Pacensis Episcopi, *de Catholicis Institutionibus Liber*, was published with the permission of the superiors in Rome; the third edition came out in 1575. He says under the title XLVI, 52:

As a punishment for the hateful heretics, one need not keep one's word to them.

He proceeds to justify the burning of Huss, though he was promised safety:

Add to this that Catholics must not have any intercourse or peace with heretics; therefore a promise given them, even if it is affirmed by an oath, is against the public welfare, against the spiritual welfare, against divine and human justice, and must not be kept by any means *ibid.* 53.

The European practice accorded with that, especially during the pious Middle Ages. King Balduin II. of Jerusalem had been taken prisoner by the Mohammedans and gained his liberty in the year 1124, through entering into an agreement, under oath, with the prince Timurtash. No sooner was he free than he wrote to the Prince that the Patriarch Bernhard had strictly forbidden the fulfilment of the conditions on the strength of which he had got his liberty; the Patriarch had also annulled his oath, and taken the sin of the oath-breaking upon himself, if he obeyed his commandment. In vain the Mohammedan reminded the king of his oath. Balduin again began war in which he permitted many cruelties, and suffered Mohammedan sanctuaries to be desecrated, but without being otherwise successful (*Friedrich Wilken, History of the Crusades* II, 516—522).

King Guido was no better. He had promised, under oath, to the Sultan Saladin, upon being released, not to take up arms against him any more, but to leave the East immediately. But no sooner were he and his fellow-prisoners who had taken the same oath released than they caused the priest to annul the oaths sworn to the pagans. "The reasons for which the Christian clergyman declared the oath null and void may be applied to any oath by which a political agreement more or less unfavourable to one of the parties is confirmed," says the historian Wilken (*ibid.* IV, 250 a 1189; cf. also Michaud, *Histoire des Croisades* IV, 275, 282). And in regard to the fourth crusade, the French historian says that oaths and the law of nations had been most shamefully ignored. As soon as the Christians were released from a dangerous predicament, the Pope at once urged a break and a new war. (Michaud, *ibid.* III, 102.) And

at last the Mohammedans followed the example of the Christians.

The system of oath-breaking against the infidels was continued after the crusades were practically over. Every war against the Turks was called a crusade. King Wladislaus of Hungary and Poland had made peace with the Sultan Murad in July 1444, for ten years. The king confirmed it by an oath on the Gospels, the Sultan by an oath on the Koran. Trusting in the newly concluded peace, the Sultan set out for Asia with his army. Thereupon, the Pope Eugene sent word to the king Wladislaus, through his legate the cardinal Julian Cesarini, that the peace concluded without his consent was null and void, and that he released him from his oath. Thus it was determined to break one oath, and, strangely enough, another was sworn instead. "Not ten days," says Hammer-Purgstall, "had passed after the conclusion of the peace, confirmed by an oath on the Gospels, when the pontifical legate, cardinal Julian Cesarini, caused the king and his counsellors to swear by the name of the Holy Trinity, of the glorious Holy Virgin, of St. Stephen and St. Ladislaus, that the peace was broken, and that he would set out for Orsova with his army on the first of September."

There was a man in the Hungarian Council, Johann Hunyady, who pleaded for postponement and got it. Did he do this from conscientiousness? By no means — only to take possession of the Serbian fortresses which the Turks had ceded during the peace and surrendered at once, "in loyal observance of the treaty".

As soon as the Sultan Murad heard of the oath-breaking of the Christians and of their army invading his empire, he, being by that time with his army on the Asiatic side of the Bosphorus, came back in haste to Europe and in forced marches went to meet the enemy. Near Varna, the two armies met. As Bonfinius relates in his *History of Hungary*, the Sultan had the document of peace stuck on a lance and carried before him, and called out: "Look here, Jesus Christ, this is the document of the peace which the Christians made with me and confirmed by oath in Thy holy name. If Thou art a god, avenge the insult done to thee and to myself."



And the insult was avenged. The Christian army was disastrously defeated, and soon, the head of king Wladislaus was to be seen on a second lance. The cardinal Cesarini and two bishops also met with their death. Hunyady took to flight and thus saved himself. (Hammer-Purgstall, *History of the Osmanic Empire*, II. Book, vol. I, p. 353 ff. See also Katona, *Historia critica regum Hung.* vol. XIII; Fleury, *Histoire eccles.* Livre CIX, ch. 72—87.)

It is characteristic of the view held of the oath in the Middle Ages that when the inhabitants of La Rochelle, subjects of the king of England, rebelled against him and yielded to the king of France, they stipulated among other things that they should be released by the Pope from their oath sworn to England, at the cost of the king of France, lest it should trouble their conscience. (*Les Chroniques de Sir Jean Froissart*, a. 1372, livre I, part II, ch. 355.)

Don Gonsalve of Cordova, the commander in chief of king Ferdinand the Catholic of Spain, was a very devout Catholic. At the capitulation of the town of Tarent to which he had laid siege, he solemnly took an oath on the Host to grant safe retreat to the Duke of Calabria. Hardly had the town been surrendered to him, when he had the duke seized and brought to Spain as a prisoner. Before he did so, devout and conscientious man that he was, he was convinced by theologians who were just as devout as he himself, that he need not keep the oath which he had sworn on behalf of his king, and the king need not keep it either since he himself had not sworn it. Thus the duke had time, during a captivity of more than fifty years, to ponder over the merits of Spanish oaths (Sismondi, *Histoire des Republiques Italiennes*, vol. XIII, 127. Cf. also Muratori, *Annali d'Italia* a. 1501; Paulus Jovius, *Vita Magni Consalvi* Lib. I).

The viceroy of Spain, Don Ferrante Gonzaga, could only put an end to a mutiny of soldiers (A.D. 1538) by promising them general pardon, which he confirmed by a solemn oath before the altar. Hardly had the mutineers laid down their arms, when the viceroy had all their leaders and many other soldiers seized and executed. (Barbaremente, *contro la fede data e conculcata la*

religione d'essi giuramenti fece impiccare. Cf. also Muratori, I. c. anno 1538.)

The great Theodoric, "Dietrich von Bern", the much-belauded hero of German legends, was no better than Gonsalvo of Cordova. After he had besieged Ravenna for three years, king Odoacer surrendered the town to him upon his promise by oath to let Odoacer have not only his life and his property, but also royal honours and, as some will recall, a share in the government. (A. D. 403.) A few days after his entrance into the town, Theodoric invited Odoacer to a banquet, and upon the pretext that the latter had conspired against him, killed him with his own hands. Theodoric then had all of Odoacer's family and as many of his people whom he could lay hand on slaughtered, so that nobody was spared who might have taken revenge for this massacre. (A. Thierry, *Récits de l'histoire romaine*, vol. III, 4, 2—5; cf. also Anonymus Valsianus, ed. Mommsen in *Monumenta germ. hist.* T. IX, p. 320; Muratori, *Annali* a. 493.)

"Meurtre barbare que les auteurs favorables a Théodorich tâchent d'excuser en disant qu'il avait découvert un complot formé contre sa vie. Mais des écrivains qu'on ne peut soupçonner de partialité, traitent ce forfait d'assassinat commis contre la foi des serments." (Le Beaux, *Histoire du Bas-Empire* L. 37, ch. 15.)

The cases in point could be multiplied at pleasure, but those given above will be sufficient to justify our asking whether our dear enemies, who so meticulously scrutinize the Talmud and the *Shulchan Aruch* in regard to the sanctity of the oath, do not think it proper, for the sake of arriving at a fair judgment, to compare the morals and practices of the Christian peoples with those of the Jews.

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## CHAPTER XI.

### SEXUAL MORALITY.

#### I. Charge of Incontinence.

Dinter (*Sin against the Blood*, p. 380) says:

It is impossible to reproduce here all the shamelessness of the Talmud which justifies adultery with a Christian woman. The reader will find details in the 7th chapter of Rohling's *Talmudic Jews* (new edition by Carl Paasch, Leipzig, Hammer Verlag, price 1 mark). But even these few proofs will make it clear that all the Jewish youths and married men, who seduce thousands of German girls and women every year, act according to the Jewish religious precepts.

It has been shown over and over again that, according to the investigation of the sworn experts Professor Theodor Nöldeke and Dr. August Wünsche, all of Rohling's quotations are absolute humbug. But Rohling was perfectly aware of the untruth of his accusation, for he involved in his accusations against the Talmud the passages in which, with reference to the chapter of the Bible, relating the murder of the Israelitic prince Zimri by Phinehas, it is expressly stated that a Jew who offends with a non-Jewess and is caught in the act may be killed immediately. If every Jew who offends with a non-Jewess may be killed at once, as Rohling himself asserts as a charge against the Talmud, this is contradicted by his second assertion, that a Jew may offend with a non-Jewess with impunity. On the subject of carnal sins, however, the Talmud is draconic in its rigor on the one hand, and meticulous in its warnings on the other. Thus in *Kiddushin* 80b a Jew is forbidden to be alone with a woman (unless it be his mother or sister) whether

a Jewess or a non-Jewess, with the discourteous reason that women are light-minded.

A man ought not to be alone (in a room) with two women, but a woman may be alone with two men. Rabbi Simon says, A man may also be alone with two women if his wife is with him, and he may sleep with two women in a shelter if his wife watches over him. A man may be alone with his mother and with his daughter (it is, of course, understood, that a man must not be alone with one woman who is a stranger to him). Gemara: What is the reason (of his not being permitted to be alone with two women)? The school of Eliahu said, Because women are light-minded. *Kiddushim* 80b; N. and W. 229.

*Aboda Zara* 36b extends this prohibition expressly to being alone with a non-Jewess. The text is very long, and, at the end of their translation, Nöldeke and Wünsche sum up (230):

Here it is expounded at great length that the prohibitions in regard to meeting with women ought to be rendered more severe in the course of time; the objection, that this and that has long been forbidden by laws of the Pentateuch, is being refuted, and it is shown that the next prohibition was always more particular than the former one...

The court of justice of Noah's son, Shem, already forbade lust; the Mosaic law forbade marriage with the women of the seven peoples, marriage of an Israelite woman with a Goy, being alone with a married woman, public offence with a Goya; the court of justice of David forbade being alone with any Israelitic woman; the court of justice of the Hasmonaeans (Maccabees) forbade secret offence with a Goya; the rabbis forbade marriage with a Goya, and being alone with a Goya.

According to *Shulchan Aruch* (*Eben Haezer* 16, 1; 2; N. and W. 231) a Jew having intercourse with a non-Jewess is liable to the punishment of 39 stripes;<sup>1</sup> if he did it without having in view marriage or a lasting relation the punishment is doubled; if he lives with her in concubinage it is trebled. Besides, the offender is reminded of the Divine punishment, viz. that he will die without offspring.

According to *Sanhedrin* 82b, the ravisher of a non-Jewess is liable to the curse of God.

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(1) In *Baba Bathra* 57a it is related that when once Rabbi Shila sentenced a Jew to this punishment for such an offense, the one punished complained against him to the Roman authorities because he (the Rabbi) had assumed such judicial functions without the permission of the State.

19 Bloch, *Israel and the Nations*.

Maimonides, *Mishne Torah*, *Sanhedrin* 18, 6 (Nöldeke and Wünsche 232) repeats the well-known doctrine of the Talmud that the zealot who killed a man caught in fornication with a non-Jewess goes unpunished.

Rohling (*The Talmudic Jew*, p. 77) bases his allegation on *Sanhedrin* 52 b, according to which the capital punishment ordained for adultery is not to take place if adultery was committed with a non-Jewess, i. e., capital punishment through the court of justice. The ordinance that capital punishment is not to be pronounced by the court of justice is malevolently falsified into this sin being permitted. But we have read before that he who is caught in the act of fornication with a non-Jewess may be killed immediately.

That capital punishment does not take place is accounted for by the fact that the rabbis avoided pronouncing any sentence of death on the basis of the Biblical law, and resorted to the strangest tricks of exegesis in order to limit the application of the death sentence. Under this head come the opinions of the Tosaphists and of Rashi who tried hard to find a reason why adultery committed with a non-Jewess should not be punished by death, and so declared it was evident that the Goyim had no real marriage.

However, Rohling, Justus and Dinter might have made their minds easy. In *Corpus jur. Can. Decretum Gratiani*, II. Pars, Causa XXVIII, Questio I, we read:

The opinion that there is no marriage between unbelievers is approved by many authorities. Paulus says, For whatsoever is not faith is sin. The alliance of unbelievers is not based on faith, consequently it is sin. Thus it is no marriage, because marriage is no sin. Augustine says the same. There is no real chastity between an unbeliever and his wife. Where there is no chastity, where there cannot possibly be chastity, there is no marriage... — All these authorities prove that there is no marriage between unbelievers.

Rohling (*The Talmudic Jew*, p. 74) puts in the mouth of Maimonides the words: "A man is permitted to abuse a woman in her state of unbelief (i. e., a non-Jewess)."

Maimonides wrote a great Code based on Talmudic traditions and on the Bible, by which all matters belonging to private and



public law were to be regulated in the future Messianic-Jewish state. All matters of war are included in it. What victory-drunk soldiers are apt to commit in enemy countries, what brutal force is exercised in particular on females, all who are versed in the annals of history know, and we ourselves have shudderingly experienced during the World War. Moses, as great in his conception of ideal aims as he was open-eyed and practical in his knowledge of realities, in bowing to the inevitable, tried to save as much as possible and set up, in regard to the conduct of the Jewish warriors towards the pagan women in the conquered towns, certain precepts which we, with our knowledge gained from experience, cannot but admire as high-minded and humane. These precepts were the basis of the war law as expounded by Maimonides in *Mishne Torah*, *Melachim* VIII, 1—3, the aim and scope of which is explained by Nöldeke and Wünsche as follows (235):

The law Deut. 21, 10ff. evidently means to qualify one of the consequences of the early rude war law, viz. the reckless appropriation of the captive women. Maimonides, with his cultured mind, could not assimilate what was permitted in the Pentateuch. It is a strong piece of boldness to generalize from these expositions, concerning an absolutely imaginary case, which follow strictly a precept of the Old Testament, that, according to Maimonides, one may misuse a woman in her state of unbelief.

Rohling accuses the Talmud of immoral doctrines, of the promotion of unchastity and of sexual crimes. Besides he says: "That the Talmud contains many things which, among Christians, are regarded as improper lasciviousness, scandalous words, and ribald jests, is easily understood: but it is impossible to reproduce them." Dinter thoughtlessly copies everything Rohling says.

What does the Talmud actually teach?

In *Aboda Zara* 20a even staring at a beautiful woman, whether unmarried or married, be she ever so ugly, Jewess or non-Jewess, and the immodest look in general, are condemned as sins. In *Berachoth* 61 we read:

He who counts (money) to a woman out of his hand in order to stare at her, even if he knew the law as well as Moses, and if he had done good deeds like him, will not escape the judgment of hell.

Samson's death was, according to *Sota* 9b, the punishment for his incontinence. These views and doctrines are also to be found in Maimonides, *Mishne Torah*, *Issure Biah*, c. 21, and in *Shulchan Aruch*, *Eben Haëzer* c. 21, 7; 21; 22; 23, 7; 24. *Eben Haëzer* 21 says:

One must keep aloof from women; it is forbidden to motion with foot or hand to a married woman, to wink, to be light-minded towards her, to stare at her beauty. He who meets a strange woman in the street, must not follow her, but make haste in order to get before her, or turn into a side street.

One must not pass the door of a strumpet, but try to keep at a distance of at least four yards.

He who sensually looks even at the little finger of a woman has committed a sin.

Likewise he who listens to her singing, or stares at her bare hair. He who with lustful thoughts transgresses even a single one of these prohibitions is liable to corporal punishment, to "Makath marduth".

The daughters of Israel are not to walk about publicly with bare head — whether they are married or unmarried.

It is forbidden to be served by a woman — whether she be a slave or a free woman, whether grown-up or young — to avoid sinful thoughts; among these prohibited services are: washing, pouring water on the hands, making the bed, and presenting beverages.

Embracing and kissing a relation, for instance a grown-up sister, is particularly foolish and unseemly. It is different between parents and children.

One must become used to a certain degree of holiness, of pure thoughts, so that he does not sink into sin, &c.

Frivolous talk, even with one's own wife, is forbidden. Our wise men say that married people have to render an account before the heavenly tribunal of every word between them.

### *Eben Haëzer* c. 23, art. 3:

It is forbidden deliberately to excite lust or lustful thoughts in one's self. He who is visited by such thoughts is to give his mind to the Torah, a loving friend, full of grace. *Niddah* 13a; b; *Yalkut* 1, 51.) Rabbi Ami says, He who deliberately stimulates lustful thoughts in himself is not admitted into the proximity of God; the gates of heaven are closed to him. *Gittin* 57b, When 400 boys and girls who, after the fall of Jerusalem, got into the hands of the Romans, perceived that they were destined for brothels, they said to one another, If we are drowned in the sea, we preserve eternal life for ourselves. And a boy called out, The Lord said, From Basan, i. e., from the teeth of the lions I fetch back from the depths of the sea (Ps. 68, 23). Then the girls threw themselves

into the sea, and their example encouraged the boys to the same self-sacrificing deed.

The prohibition of improper talk is emphasized in *Sabbath* 33a, and *Kethub*. 8b:

He who pollutes his mouth by improper talk — if in heaven 70 years of blessedness have been ordained, this provision is turned into evil. Raba the son of Silas says, He who pollutes his mouth by improper talk, for him the hell is being made deeper and deeper; for it says (Proverbs 22, 14), The mouth of strange women is a deep pit. Rabbi Nachman says, This also concerns him who listens in silence to such talk, for it says in the same passage, He that is abhorred of the Lord shall fall therein.

## II. Duties of the Husband.

Let the husband be careful to treat his wife reverently, since the house is blessed only on her account. *Baba Metsia* 59a.

God has given her to him that she should enjoy life with him, and not that he may distress her by bad treatment (*Kethub*. 61a).

Let the husband love his wife as himself, and honour her by attentions more than himself. *Sanh*. 76b.

Beware of distressing the wife by deceiving her, for she easily sheds tears, because the gates to the tears shed in consequence of thy deceit are never closed. *Baba Metsia* 59a.

Let the husband ever strive to advance the well-being of his wife, and to live in peace with her; for where peace dwells, there also dwells the Lord our God, but if peace is banished from their midst, the fire consumes them (*Sota* 17a).

## III. The Position of Woman.

It is significant of the social position of the Jewish woman in the Middle Ages that she took an active part in economic life. R. Eliëzer C. Nathan of Mainz (*Responses* Nr. 40) says that, in his time, women were guardians and shopkeepers, did business, borrowed and lent, paid and accepted payment, took and gave in deposit (Cf. also Isaac Or Zarua, p. 53, § 351; Hoffmann, l. c. p. 99).

On the other hand, a benediction in the daily prayers has given occasion for frequent misunderstandings.

Three of the benedictions in the daily prayer run as follows:

"Blessed art thou, O Lord, our God who hast not made me a Goy."

"Blessed art thou, O Lord, our God who hast not made me a bondman."

"Blessed art thou, O Lord, our God who hast not made me a woman."

These benedictions displeased many, and were often denounced. The first benediction was regarded as an expression of an excessive contempt of the Gentiles, or, as one used to say, of the nations. He who raised such charges could not have been well versed in the New Testament. One need only read the sayings of Jesus in the Gospel of Matthew.

"But when ye pray, use not vain repetitions, as the heathen do." (Matth. 6, 7.)

"Therefore take no thought, saying, What shall we eat? or, What shall we drink? or, Wherewithal shall we be clothed? For after all these things do the Gentiles seek." (ibid. 6, 31; 32.)

"But if he neglect to hear the church, let him be unto thee as an heathen man." (ibid. 18, 17.)

In the third benediction was found a scandalous disparagement of the female sex. A verdict of the Vienna Supreme Court of Justice of June 11, 1908, contained the following statement:

The daily thanksgiving, "Blessed art thou, O Lord, our God who hast not made me a woman," may voice the conviction of orthodox Jews of the total inferiority of woman, a conviction rooted in the ordinances, habits, and customs of the Oriental peoples, but it does not hold before the penal code.

That is the conventional opinion. Whenever there is a Jewish custom found that does not suit the fashion of the day, it is turned at once into a reactionary vestige of Oriental origin. But this time the learned members of the Supreme Court of Justice were on the wrong scent, for this Jewish benediction happens to have originated with the most eminent Greek philosophers.

According to Lactantius (*Div. Instit.* III, 19), Plato is said to have thanked nature for having seen the light of the day as a Greek, and not as a barbarian, as a free man, and not as a slave, as a man, and not as a woman. This prayer was, according to Diogenes Laertius I, 1,7 (first referred to by Theodor Gomperz) put in the mouth of Socrates, and found its way, according to J. Darmsteter, to the Parsees.

How did this thanksgiving of Plato and Socrates find its way into Judaism? The first to mention these benedictions (*Menachoth* 43b) was Rabbi Meïr, the disciple of Elisha ben Abuya, named Acher, who was known as an enthusiastic admirer of Grecian genius and from whom, even after his apostasy, Rabbi Meïr did not hesitate to learn sundry things. Now and then another authority for that benediction is mentioned, but none before Rabbi Meïr. Here, then, seems to be the channel through which the thanksgiving got into Judaism: Acher obtained it from Greek sources, and Rabbi Meïr received it from Acher. (Cf. Dr. Grunwald, *Österreichische Wochenschrift*, file 1908.)

The Bible legally permitted polygamy, but the custom of the Jewish people looked upon monogamy as the rule, and it asserted itself in the midst of the family. Thus in the Decalogue it says, Thou shalt not covet thy neighbour's wife (Exod. 20, 14), and not "thy neighbour's wives".

Zippora was "the wife" of Mose; Deborah was "the wife" of Lapidoth. Kings, however, were exceptions; how the Christian kings behaved in this respect, should be historically delineated in a special chapter. It may be safely said: European monogamy is nothing but a conventional lie.

Friedrich Delitzsch speaks of the shameful position of woman in old Israel; to him it serves as a proof, that while in Babylon a woman was ranked among the Gods, this was unthinkable in Israel. Indeed, by the side of but one God there is no room for a goddess. There was, within Israel, no "Kadesha" either, i. e., no priestess designated for prostitution in the Temple.

In the crown of glory of old Judaism one of the most luminous stars is the unique position allowed by it to Woman. Not only



in the civilizations of the East, but even among the peoples of Occidental spirit, one will look in vain for anything even remotely approaching it. The wife of the Greek, not much more independent in her gynaeconitis than the Oriental woman in her harem, is treated like a chattel, is not independent even after the death of her husband, is never mentioned, neither for good, nor for bad. Thucydides who states this himself says: "If it be a god who invented woman, wherever he be, let him know that he is the author of the greatest evil."

Only two happy days, says a Greek poet, married life offers: the day when the husband folds her to his heart, and the day when he buries her.

In thalamo vel in tumulo -- thus the coarse Roman expressed it whose hero, Cato, calls woman a necessary evil, and man in every respect the independent judge of his wife.

When Penelope, in the hall of the men, dares to utter her opinion, she is thus reproved by her son Telemachus, the "discreet youth": "Go thou into thy bower, ply there thy business, spindle and loom. The word is due to the men, to all of them, and first to myself, because my word means power in the house".

According to Caesar, the Gallic husbands have power over their wives as to life and death.

The German, says Weinhold (*German Women in the Middle Ages* II, 10), could bequeath his wife, give her away, or sell her like an article of inventory, together with his house and home. "He has given me an awful thrashing", Kriemhild complains, referring to the hero Siegfried.

The early Christians had much the same views. Tertullian calls woman the gate of hell; Jerome and Origen denounce married life, without any qualification, as a life of wickedness. In contrast to this we read in Sirach 26:17, "Like the rising of the sun on a serene morning, so shines the charm of the woman in the house".

What a foil for the family life in the tents of the patriarchs of the Bible! Jacob served fourteen years for his beloved Rachel. Think of Miriam who, at the head of her people, walks at the side of her inspired brothers; or of Deborah who, not as the

wife or the sister of a great man in Israel, not in consequence of her birth or relations, but only and solely on account of her personal worth, leads the people for decades in peace and war, and is, above all, allowed to lead it! Where else was a woman respected as was Hulda, the prophetess? Where else did young girls stand up for their rights with such frankness as did the daughters of Zelofchad before Moses the powerful?

And what praise of woman comes up to the hymn on the virtuous woman (Prov. 31), of which Wünsche, (*The Beauties of the Bible* I, 326f.) says: "This poetic picture should be placed in golden letters above the door of every house, where the ministrations of the housewife are respected and appreciated. Surely, our Schiller had this part of Proverbs in his mind when he wrote his lines about the labours of the housewife in his "Bell" (*Die Glocke*). This hymn has a place to this day in every Jewish prayer-book. The mother's is a commanding position in every Jewish house. The Bible puts reverence for the mother before that for the father. The mothers of the kings are mentioned by their names. Yea, the father of Moses is only mentioned perfunctorily while we are told at full what he owed to the womanly care of the mother, the sister, the daughter of king Pharaoh."

It is urged by the Talmud that woman is more emotional than man (*Megilla* 14b). Woman is more purposeful (*Megilla* 14a), even certain intellectual faculties are more developed in her (*Nidda* 45b) — a superiority which the Bible acknowledges, for God said unto Abraham: In all that Sarah hath said unto thee, **hearken unto her voice** (*Gen.* 21, 12).

It is true that women were exempt from part of religious obligations, i. e., from all those commandments the exercise of which is bound up with a certain time, because they might become involved, as is authoritatively explained by Abudharham, in a conflict between their duties towards God, and their tasks as wives and mothers. The tasks of a wife and of a mother were ethically appraised more highly and considered more important than the exercise of religious ceremonies.

The joy of the man that for him, in opposition to the woman, all the ritualistic commandments are binding is explained by the

old Jewish view (echoed in Spinoza's *Ethics* V, 42) that the exercise in itself signifies blessedness. The fulfilment of a divine commandment produced in the heart of the devout Israelite a sense of pleasure, an uplifted mood for which Judaism coined an expression of its own, the "joy in performing one's duty" (*Berachoth* 9b, 31a; *Sabbath* 30b and elsewhere. Cf. Güdemann, *Jewish Apologetics*, p. 188, and Schechter in *The Jewish Quarterly Review* VIII, p. 370f.).

This is why, in a benediction preceding the fulfilment of a commandment, God is particularly praised for having decreed this commandment.

Thus, the believing Jew voiced, in the benediction transmitted to him by the Greek philosophers, his joy that, by divine election, he is privileged, in opposition to woman, to put his time exclusively at the service of God. Every day he recited before God the words of Socrates and Plato, without having an inkling of their origin, and associated with them ideas taken from his traditional view of the status and the particular scope of the duties of woman in the family (Dr. Max Grunwald, *Österreichische Wochenschrift*, file 1908, 41).

The Prophet Malachi (2: 14, 15) said:

The Lord hath been witness between thee and the wife of thy youth, against whom thou hast dealt treacherously: yet is she the companion of thy covenant . . . Therefore take heed to your spirit, and let none deal treacherously against the wife of his youth.

And a few more voices of prominent Christian thinkers.

Emil Kautzsch, "Biblische Theologie des A. T.", page 184, writes with reference to the Biblical story of Creation:

If we consider that this entire picture acquires its full meaning only on the assumption of monogamy, we must conclude all the more that it is a conception of the nature and the mystery of marriage, which cannot be more beautifully or more dignifiedly thought out. Here, too, the religion of Israel, through its understanding of earthly relations and duties, has exercised a tremendous influence.

Prof. Ed. Riehm, "Alttestamentliche Theologie", page 104:

The entire social order of the life of the Jewish people is built upon the foundation of a strict moral ordering of the family life, over whose inviolability God keeps watch. The marriage relation regulated by strict-

est interdiction of all unnatural perversions of the relations between the sexes constitutes the chief foundation pillar of this order.

Prof. Heinrich Ewald, "Gesch. des Volkes Israel", III, *Ancient Times*, page 254, says:

In itself there is no ancient religion which is so severe against (sexual) perversions and yet at the same time so free from unnatural restrictions of its rights as Jahvism. How important Judaism regarded the morality of this relation and how it sought to treasure true marriage as the primary basis of all true human community living is shown at once in its strict commandments with regard to it. The general interdiction of adultery appeared of sufficient importance to be included among the Ten Commandments, and there it is placed immediately following the one for the conservation of life, as if chastity were as great a good as life.

Another Christian Old Testament scholar, Paul Kleinert ("Die Propheten Israels in sozialer Beziehung", Leipzig 1905, page 130) writes:

Marital love even for an unfaithful wife is conceived by Moses to a relation of such tenderness and intimacy, that he — and succeeding prophets followed him in this — could regard no other relation so appropriate as a symbol of the ineffable love of God for his people.

Friedrich Delitzsch justifies his strictures about the inferior position of woman among the Jews by the following words:

Look at the law according to which it was a punishment to keep a woman for life, viz. he who "hath given occasions of speech against her (his wife) saying that he found her not a maid . . . may not put her away", and a man who has ravished a maid must wed her, and may not put her away (Deut. 22, 19; 23).

As the Jewish husband had, under certain circumstances, the right to divorce his wife, (Deut. 24, 1; see above p. 000), it was quite reasonable that, in the cases mentioned, the man should be punished with the loss of this right.

A Christian traveller who, half a century ago, gave a lecture on Siberia, told his Christian audience:

Of the men exiled to Siberia the Mohammedans are never accompanied by their wives, the Christians rarely, the Jews always. *Ost und West*, 1921, p. 137.

This is sufficient.

In the book *Die Scham* (A. Markus & E. Weber, Bonn 1919) Adolf Gerson derives the origin of love from the Jewish people.

As long as man bought women in order to support and enrich himself by their labour, as long as woman did not fall to the share of the worthiest, but of the richest, as long as woman was not permitted to tie herself in free choice to the man of her love, the sense of sexual shame could not arise.

The Israelitic man who married his wife, above all things, in order to beget sons with her, had a delicate and vivid feeling for everything sexual in woman which, at the outset, was wanting in the Aryan man; and the Jewish woman by in-breeding which had continued for centuries and had favoured selection, acquired, instead of the original combativeness, a nature which gave itself willingly and whole-heartedly to the beloved, the original sexual coldness was superseded by the activity of love.

In the Song of Solomon we meet for the first time a woman who complains of being love-sick (*Song of Solomon* 5, 8):

"I charge you, oh daughters of Jerusalem!

If ye find my beloved,

That ye tell him,

That I am sick of love!"

For the ancients it was something new, something unheard-of that a woman should be love-sick. This disease afflicts the Jewish woman first. Here, for the first time the activity of woman in love is manifested.

"For love is strong as death,

Jealousy is cruel as the grave;

The coals thereof are coals of fire,

Which hath a most vehement flame!

Many waters cannot quench love,

Neither can the floods drown it:

If a man would give all the substance of his house for love,

It would be utterly contemned." (ibid. 8, 6; 7.)

#### IV. Sex and the Church.

Concurrently with the first editions of the *Shulchan Aruch*, also a series of Catholic text-books of moral theology were published, and this concurrence, which bears the stamp of the spirit of the time, invites us to contrast and compare their precepts.

Here are some quotations:



Petrus Alagona, *Compendium Manualis Navarri*, Colon. Agr. 1599, printed with the approbation of the superior church-authorities, p. 154 n. 11:

Touching, embracing, kissing are permitted only in order to decently amuse one's self, or from loving kindness, or to praise God who created her (the woman) so beautiful, if one is not exposed to danger.

Johann Azorius, *Institutiones Morales*. Lugduni (Lyons) 1612, printed with the approbation of the superior church-authorities, Tom. 3, p. 181:

It is open to question whether women sin seriously if they walk about with bare breasts, or wear such a thin and diaphanous cover as to show the men their breasts? . . . It must be confessed that in itself it is not a grievous sin, and that in the provinces where bare breasts are the fashion it is not to be considered a sin.

Jacob Trinius, (1580---1636), *Commentar. in S. scripta*, Antverpiae 1668, p. 787:

But Susanna would have escaped all embarrassment if, overpowered by the force and fear of disgrace, nay, of death, she would have permitted the adulterers to satisfy their passion, without her consent and cooperation, but allowing it and remaining passive, for, in order to preserve her chastity, she need not, by screaming, have brought down upon herself discredit and danger of death, as an unrepented body is of less value than life and good repute.

Johannes de Alloza, *Flores summarum* (printed with the approbation of the Church), p. 392:

A man may for just reasons flog his wife.

(*ibid.* p. 733):

Finding delight not in the sin itself, but in the dainty manner of committing it, is no sin.

(*ibid.* p. 16, num. 41):

If a girl deliberately consents, then her carnal sin does not dishonor her; she wrongs neither herself nor her parents, since she is the mistress of her maidenhood.

Eman. Sa. Dr. Theolog. Professor in the College of Rome (1530---96), *Aphorismi confessoriorum*, Cologne 1621, p. 402:

Every man and every woman may take payment for the shameful use of his or her body, and he who promised payment, is bound to pay.

J. P. Moulet (Professor of Morals in Freiburg in Switzerland) *Compendium Theologiae Moralis*. Prati (Prato), 1846, Pars I, p. 110:

Voluntary pleasure... If somebody finds delight in the carnal intercourse with a married woman, not because she is married, but because she is beautiful, and if he is unmindful of the circumstance of marriage, this pleasure according to several authors, does not include the evil act of adultery.

## V. Apion and Sexual Morals.

Of the earliest anti-Semite whom history knows, of the Egyptian Apion (according to Pliny, the emperor Tiberius called him the world's drum; Pliny adds that the designation "trumpet of his own fame" would be more to the point) a Christian contemporary transmits an interesting portrait. Homilies which have come down to us under the name of the "Roman Clemens", the associate of the Apostles, tell a story which illustrates Apion's character and doings:

While I was lying sleepless in my bed — thus Clemens reports in the homily — the following story arose in my memory. From my youth I had ever aimed at knowledge of the truth, and since I found no satisfaction, my body was overpowered by spiritual sorrow, and I fell into a grave illness. Just at that time, my fatherly friend, Apion, came to see me in Rome. When he asked me what was the matter with me, I pretended a passionate love for a girl, since I did not want to reveal the true cause of the illness to a man who deeply hated Judaism. I firmly declined his offer to secure her for me by means of magic, but I accepted his suggestion to persuade her in a letter to surrender to me. In the same night, he wrote a paper, *Praise of Lust*, and gave it me to be delivered to the maid. — Then Clemens read to his audience the letter which invited her to indulge, without any scruples, in sexual pleasure. He denounced marriage as an invention of man, by which neither the sages nor the gods had suffered themselves to be bound. The example of the gods calls upon us to do the like, nay, it was wicked not to do it, as the gods had done it, and the oldest of all the gods, Eros, insisted on it. — This letter — Clemens continues — I could, of course, not send, as my passion was only feigned. However, I pretended to send it to the maid, concocted an answer in her name, and communicated this on the following day to Apion. — Clemens read this letter also to his audience. That suggestion was repudiated with abhorrence. Those reputed gods, it said in this letter, were magicians and tyrants; she could not possibly be beguiled into such shameful actions by those mendacious reports, the less so as she had learnt from a Jew what is seemly in the eyes of God. — Then Clemens

goes on: When Apion read this letter, he exclaimed, "Do I hate the Jews without reason? Now that a Jew has got her into his hands, it will be impossible to entice her to fornication, for the Jews who think that God knows everything practise the greatest chastity, just as if it could not be hidden."

So runs the exceedingly instructive characterisation of Apion by Clemens (*Clem. hom.* V, 2—20; cf. also Schliemann, *The Clementines*, p. 56 ff.).

## VI. A Jewish Rake.

Rohling, on p. 75 of the *Talmudic Jew*, tells a story from the Talmud of "Rabbi Eliëzer", an unspeakable rake, or, rather, he begins to tell the story, and breaks off with the words, "The rest is too nasty", and then goes on to say:

The passage is the more horrible, because it says in the end, that at Eliëzer's death God exclaimed from heaven, that Eliëzer had entered eternal life; since it says, immediately before this story is told, that heretics even when repentant would not find the path of life, the moral of the whole is: You need only persist in remaining a Jew, and you will be forgiven everything.

The passage quoted means to give an instance of the atoning power of penitence, and recalls the adulteress in the New Testament. This person and the name Eleazar ben Durdeya do not occur elsewhere in the Talmud; neither good nor evil is spoken of him; it is reported only that he was a great sinner and afterwards taken into favour by God in consequence of a heavy penance.

Rohling makes him a rabbi. The Jewish history of religion knows many famous Talmudists of this name who, according to Oriental custom, are individualized by adding the father's name; but a Rabbi Eleazar ben Durdeya is not among the number, nor does the quoted passage make any mention of the dignity of rabbi of its hero. This Eliëzer, then, was no rabbi, but a Don Juan of the most licentious sort.

Nöldeke and Wünsche write literally (236):

This Eleazar heard of a strumpet who sold her favour for a bag of gold (Rohling says, a box of gold); may be it was the beautiful Lais whose fame found its way from Corinth to Palestine, on account of

whose costliness the proverb was coined, non cuilibet licet adire Corinthum. The great Demosthenes, therefore, was wise enough to turn back, with the words, "I do not want to buy remorse so dearly". Eleazar, less wise, travelled across seven rivers, effected his object, and learned too late, from the mouth of the wanton, that he was damned for ever. This shakes him to his soul, he flees into solitude, and implores mountains and hills, heaven and earth, sun and moon, stars and constellations: "Pray for me that I may find mercy". In vain. Mountains and hills answered, "Instead of praying for thee, we pray for ourselves, for it says (Isaiah 54, 10), For the mountains shall depart, and the hills be removed. The same answer is echoed by all to whom he applies: "Instead of praying for thee, we pray for ourselves", every time with the quotation of passages in the Bible which characterizes the helplessness of every creature in the face of the Creator. Then the legend goes on: Presently he spoke: "This depends on myself (i. e., I see that nobody can speak for me, I must pray for myself). And he put his head between his knees and cried until the soul left him. Then a heavenly voice was heard saying, "Rabbi Eleazar, the son of Durdeya, is going to enter eternal life".

The title of "rabbi" was given to him in order that everybody should learn, from his fate, the great power of penance and repentance. The spirit of this story is so evident that every layman is able to appreciate it.<sup>1</sup>

This Eleazar ben Durdeya of whose repentance and penance *Aboda Zara* reports, and whom Rohling falsely turns into a Talmudist, has an analogy in a personality of whom we read in the writings of holy Church Father Jerome. This Eleazar of the Talmud, if he did exist at all, lived in the time of St. Jerome, and the latter reports (Ep. 93 ad Sabinianum Lapsum p. 754—760; cf. Joh. G. Zimmermann, *On Solitude*, Frankfort and Leipsic 1785, T. I, p. 268 ff.; Theiner, *Coelibat*, vol. I, p. 294), that a Catholic deacon by the name of Sabinian who had frequented all houses of shame in Italy, abused maidens violently, polluted the marriage-bed of many distinguished persons, and had been the cause of many women being publicly executed, at last, persecuted by a noble Goth whose wife he had seduced, had escaped to Beth-

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(1) Among the Christian saints are several former courtesans; besides Mary Magdalena, there were also Mary of Egypt, Asra, Pelagia, Thais, Theodosia, Margaret of Cortona, and Clara of Rimini.

lehem to St. Jerome, provided with a letter of recommendation from his bishop. There, he began intrigues with the nuns, and consequently quarrelled with St. Jerome who bitterly complained that the sinner repudiated all repentance. Therein the clergyman Sabinian differs from his contemporary, Eleazar ben Durdeya.

As a further proof that the teachers of the Talmud were monsters in regard to morals, Rohling reports in the *Talmudic Jew*, p. 75:

Rabbi Elias declared in the Talmud that though it was the Day of Atonement he would ravish many maidens, as the sin was outside the gate of the heart, and the innermost soul was not touched by the wickedness of man. *Yoma* 19b.

Franz Delitzsch answered Rohling in strong words:

"Of this wicked, immoral, sin-extenuating madness there is not a word in the Talmud. Ignorance and hatred assisted one another, and just as at the persecutions of the Jews it happened that the scrolls of the Torah had to serve as rugs to the ravishers, thus it is the leaf of the Talmud (*Yoma* 19) on which those two powers of darkness begot this calumny" (*Contra Rohling* p. 18).

In the many folios of the Talmud, no rabbi Elias is to be found. The rabbi Elias whom Rohling is degrading to a monster is no other than the Biblical prophet Elijah.

The facts are as follows:

The high-priest spent the night preceding the Day of Atonement in the cell of Abtinas in the temple, and measures had been taken to keep him awake. When he appeared to be falling asleep (says the *Mishna Yoma* 1, 7), the young priests who were with him snapped their fingers and called out, My Lord High Priest, rise, and cool thyself on the tassellated pavement! Thus they occupied themselves with him until the time was near to offer up the lamb for the morning sacrifice.

But the rest of the inhabitants of Jerusalem also did not give themselves up to sleep during this night, but deliberately spent it in a noisy way to prevent the High Priest from falling asleep. This custom remained in use in later times so that this night was a "wake-night" which, of course, did not pass without all sorts of sins being committed. In the provinces, especially in



New Persia where the licentiousness of the ruling people was contagious, particularly in the town of Nehardea, that abuse had bad consequences. The men who tried to combat it declared that this corruption delayed the advent of the Messiah, and they quoted the evidence of the prophet Elijah who had appeared to them:

Elijah said to Rabbi Judah the brother of Rabbi Salas the devout, You ask why the Messiah has not arrived yet, and behold! To-day is the Day of Atonement, and nevertheless many maidens are being deflowered in Nehardea! Then Judah replied, What does the Holy One, blessed be he, say to this? And Elijah said, Sin lieth at the door (Gen. 4, 7). Thereupon Judah, And what has Satan to say to this? Elijah replied, Satan has not any power of incriminating on the Day of Atonement.

Evidently the authority of Elijah was invoked to do away with the abuse.

This passage quoted by Rohling also has an analogy in St. Jerome who writes about the moral state of things in Rome (Ep. 18 ad Eustochium, *de custodia virginitalis*. Opp., t. IV, p. 11, p. 27—49):

Shame grips me to say how many are debauched every day, and how many Mother Church loses from her bosom. Behold, how most of the widows who once were married hide their unhappy conscience behind a lying garb. If the pregnant womb or the screaming of the children do not betray them, they walk about with stretched-forth neck and mincing gait (Is. 3, 16). Others know how to make themselves barren, and kill man not yet born. If they feel themselves pregnant after their wickedness, they procure a miscarriage by poison, often they themselves have to die of it, and guilty of a threefold crime they go to hell as suicides, as adulteresses to Jesus Christ, as murderesses of a son not yet born. I am ashamed to say it, oh, horror! But it is true, sad at it is. How came the plague of the Agapetes into our churches? Whence another name for the married women without marriage? Yea, and wherefrom the new species of concubines? I must say more: wherefrom the strumpets of a married man? One house, one bedroom, and very often one bed embraces them, and they call us suspicious people in case we expect evil. The brother leaves his maiden sister, the maid despises her own unmarried brother and looks for a stranger as brother. Under the pretext of spiritual comfort, they meet in order to practise carnal intercourse at home. There are others — I am speaking of people of my profession — who sue for presbytery and deaconry the better to see the women.

In a letter to young Rusticus, the Father of the Church complains of young clergymen keeping young servant-maids in their houses who do not go by the name of wives, but really are. Jerome warns him against intercourse even with older women who begin with spiritual motherly friendship, and afterwards put off all modesty, and arrive at intimate intercourse. A clergyman, thus rebuked, answered that Jerome had no right to blame him, for he himself only utilized his lectures on Holy Scripture as a pretext for having more frequent and freer intercourse with women.

Let Rohling and his blind followers read this; they had better take the social history of the Church for the object of their studies. The degeneration of morals was a disease of that time, in Nehardea in Persia as well as in Christian Rome.<sup>1</sup>

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(1) The Apostle Paul is compelled to complain: "It is reported commonly that there is fornication among you, and such fornication as is not so much as named among the Gentiles" (1 Cor. V, 1).

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## CHAPTER XII.

### THE ALLEGED DOCTRINE OF IRRESISTIBLE IMPULSE.

Rohling, in his Dresden Report, asserts, "that the Jew is not restricted by any barrier of law or conscience, when attacked by evil nature".

"Pecca fortiter, fortius crede, is the maxim which Judaism is allowed to follow. From this he derives the sentence that according to the Jewish religious conceptions, God their Lord had no right to punish the Jews for their offences, from which, of course, followed that the Jew need not abstain from any crime from religious scruples." (*Akten und Gutachten* 97.)

He says, further, in *My answers to the Rabbis*, p. 7:

That the Jews can soothe their conscience with the convenient dictum that evil nature ("yetser hara") is unconquerable, and often forces man to sin; but everything is all right so long as one remains a Jew.

Then in *Franz Delitzsch and the Jewish Question*, p. 43:

That the Pharisees maintained the principle that evil lust is irresistible; therefore they declare that the misdeeds of the sons of Eli and David's adulteries were no sins.

These statements of Rohling's are brazen lies, as Nöldeke and Wünsche attest.

In Luther we find the following doctrine:

Ita vides quam dives sit homo Christianus . . . Nulla enim peccata eum possunt damnare nisi sola incredulitas (There thou seest how rich a Christian is . . . no sin can rob him of salvation unless it be unbelief).

The passages mentioned by Rohling were examined in succession by Nöldeke and Wünsche, and this is the result. In the passages quoted, Sabbath 55b and 56a, the point in question

is the so-called white-washing of personalities of the Old Testament:

The rabbis were revolted at actions ascribed to the devout kings David and Solomon, which were no credit to them. This seemed to be an irreconcilable contradiction, which they tried to explain away. This was done by contending that the Bible must not be taken literally at this point. The holy men had committed venial sins only, and were rebuked so harshly by the Bible, because such devout persons are especially bound to beware of every sin. Likewise Reuben, the son of Jacob, is cleared of the sin (Gen. 35, 22). He was only disrespectful towards his father, a thing which the Scriptures account a grievous sin. The sons of Samuel of whom 1 Sam. 8, 3 complains were merely not as pious as their father. And the wife of Uriah, of whom we read in 2 Sam. 11, 27 that king David had taken her to him, had long been divorced.

Then the sons of Eli are cleared. These, Hophni and Phinehas, of whom it is told 1 Sam. 2, 22 that they seduced the women at the gates of the tabernacle, had only detained the women who offered up the lustration, and the Scripture looked at this in the light of a grievous sin, just as if they had committed fornication with them.

Nöldeke and Wünsche add to this (266):

In all these cases a Biblical report of grievous sins committed by highly revered persons is artificially and quaintly interpreted away, and only a venial sin admitted which in such men is accounted grievous. But that the deeds in question, if they had been committed, would have been grievous sins, is the very presupposition of all the discussions. The very discrepancy between the venerable personalities and their sins lead to these circumventions. It is denied that these grievous sins were really committed.<sup>1</sup>

In *Aboda Zara* 4b, 5a Joshua ben Levi says, and it is reported in the name of Simon ben Jochai, that the sins of the Israelites

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(1) In a Disputation of the 14th century, Joseph Kimchi said, "We Jews, who believe in one God and worship neither images nor statues, we have no gratuitous oaths as other nations have; we have no murderers, nor fornicators; acts of violence and rapine are not rife among us as they are among Gentiles who plunder travellers on highways, hang, murder, blind. You cannot impute such things to the Jews... their daughters are chaste, are not seen in public, and there are no harlots among them as among the daughters of the nations."

The Christian disputant did not contest this, but replied: "What shall all your virtues profit you if you do not believe that Jesus came to save the world? The deeds are judged according to faith. If there are malefactors among Christians, they have faith and may do penance, but you, all your doing is vain, idle, and to no purpose."

who made the golden calf, and the sin which David committed with the wife of Uriah occurred only in order to demonstrate the atoning power of penance in a community and in individuals. The individual may learn from David and the community may learn from the Jewish people that God is merciful and pardons the sin of the repentant.

Nöldeke and Wünsche add by way of explanation (267):

These sins are here neither denied nor excused, but it is urged that we have two model instances of penance and forgiveness.

The Talmud refers in numerous passages, on the basis of Biblical precepts, to the evil impulse ("Yetser Hara") being inborn with man (Gen. 8, 21; 6, 5). The rabbinic view assumed also an inborn good impulse ("Yetser Tob") which influences human imagination for the better. They are the two spiritual powers constantly at conflict in the heart of man.

Rabbi Nachman, the son of Rab Chisda, gave the following interpretation:

Why in the passage Gen. 2, 7 "And the Lord God formed man" is the word "wayitser" written with two *i*'s? Because the Holy One, blessed be he, created him with two impulses (*Yetser*), the good and the evil one . . . Our teachers have taught, Two reins are in man (the reins are regarded as the seat of the spiritual forces, as well as the heart); the one advises him to do good, the other, to do evil, and it seems that the good kidney is at his right, and the evil one at his left, as it says in Eccles. 10, 2, A wise man's heart is at his right, but a fool's heart ast his left. *Berachoth* 61a; N. and W. 268.

The Talmud emphatically exhorts resistance to the evil impulse, and advises battling against the first light temptations lest one lose the power to withstand the strong ones.

Rabbi Assi said, In the beginning the evil impulse is like the thread of a spider, and in the end it is like the rope of a wagon.

In the school of Rabbi Ishmael it was taught:

If thou meetest the ugly (the evil) impulse, draw it into the college; if it be a stone, it will be pulverized, if it be iron, it will be broken. (i. e., be the evil impulse ever so strong, the study of the Torah takes all the strength from it.)

Rabbi Samuel, the son of Nachman, said in the name of Rabbi Jonathan, The evil impulse seduces man in this world, and gives evidence against him in the world to come.



Rabbi said, In the beginning, the Scripture calls him "traveller", then "guest", and at last "man" (master of the house), as it says in 2 Sam. 12, 4, And there came a traveller unto the rich man; and he spared to take from his own flock, and of his own herd, to dress for the wayfaring man that was come unto him. But he took the poor man's lamb, and dressed it for the man that was come to him. *Succa* 52a; N. and W. 269.

Resch Lakisch said:

Satan, the evil impulse, and the angel of death are one and the same. *Baba Bathra* 16a; N. and W. 270.

He who, if only in wrath, tears his garment, breaks a vessel, or scatters money, because he yielded to the evil impulse, is like an idolater.

Rabbi Simeon, the son of Eleazar, said in the name of Chilpa, the son of Agreas who again said it in the name of Rabbi Jochanan, the son of Nuri, He who tears his garment in wrath, breaks his tools in wrath, and scatters his money in wrath ought to be in thine eyes like an idolater; for such is the custom of the evil impulse: to-day he tells him, Do this, until at last he tells him, Commit idolatry, and then he goes and commits it. Rabbi Abin said, What does the passage in Psalm 81, 9 mean? There shall no strange god be in thee; neither shalt thou worship any strange God. Which is the strange god in man? Say, That is the evil impulse. *Sabbath* 105b; N. and W. 271.

This idea of the evil impulse being the real idol in the human heart, and that he who yields to him, is an idolater, is often repeated in the Talmudic literature.

He who gives ear to his impulse is looked upon as if he committed idolatry. Why? It is written (Ps. 81, 9): There shall no strange god be in thee; neither shalt thou worship any strange god, i. e., do not let the stranger reign in thy heart. *Jer. Nedarim* IX, 1; N. and W. 272.

The following passage in the Talmud, which was a source for the author of the *Zohar*, is very interesting not only in connection with the question of the *Yetser Hara*, but still more because it is that passage of the *Zohar* in which Rohling and Justus allege to have read the precepts for ritual murder:

Rabbi Joshua, the son of Levi, said, He who sacrifices (slaughters) his impulse, and makes confession of it, is looked upon by Scripture as if he did honour to the Holy One — blessed be he — in two worlds, in this one and in the world to come. *Sanh.* 43b; N. and W. 277.

The author of the *Zohar* habitually intensifies the Talmudic imagery, picks up the metaphors of the Talmudists and colours them fantastically, only to clothe the same thought in a more obscure, more mystical garb. Every expert who reads the quoted passage of the Talmud, and remembers the *Zohar on Mishpatim*, at once divines the connection. The same thought confronts us here and there, but here it is the original, and there it is the copy. The meaning is, the "Yetser Hara" is not invincible.

The Holy One — blessed be he! — said to the Israelites, My children, I created the evil impulse, and I created the Torah as a remedy for it; if you occupy yourselves with the Torah, you will not be delivered into its power. In the school of Rabbi Ishmael it was taught, My son, if thou meetest the ugly (the evil impulse) draw it into the college; if it be a stone, it will be pulverized, if it be iron, it will be broken. For it says (Jerem. 23, 29). Is not my word like as a fire? saith the Lord; and like a hammer that breaketh the rock in pieces? *Kiddushin* 30b; N. and W. 273.

Man shall ever incite and stir up the good impulse ("Yetser Tob") against the evil impulse ("Yetser Hara"). If he overcomes it, it is right; if not, he shall think of the end, of the day of death. *Berachoth* 5a; N. and W. 274.

Rabbi Jehuda, the son of Nachman, the interpreter of Resh Lakisch, gave the following interpretation, What does it mean that is written (Micah 7, 5), Trust ye not in a friend, put ye not confidence in a guide? If the evil impulse tells thee, Sin by all means, the Holy One — blessed be he! — pardons (it), then do not believe it, for it says, Trust ye not in a friend; the friend is nothing else but the evil impulse, as it says in Gen. 8, 21, For the imagination of man's heart is evil from his youth. — The guide is nothing else but the Holy One — blessed be he! — as it says in Jer. 3, 4, Thou art the guide of my youth. (Thus, one shall not believe the evil impulse, if it refers to the mercy of God, for the sinner must not put his trust in this mercy, he must not trust the guide, God, in this respect). Now thou sayest perhaps, Who will give evidence against me? The stone shall cry out of the wall, and the beam out of the timber shall answer it (Habakuk 2, 11). And the wise men say, The soul of man itself gives evidence against him (Thus man must not think, if the evil impulse presses him hard, that it will not be noticed). *Chagiga* 16a; N. and W. 275.

He who commits only one single sin, it clothes him like a garment, and in such he will appear on the day of judgment. *Aboda Zara* 5a.

Particularly characteristic of the doctrine of moral liberty are the following passages:

The evil-doers are in the power of their hearts, the noble-minded has his heart in his power. (The Bible always talks of the desires of the heart.) *Yalkut I, 61; Bereshit Rabba 34.*

He who comes to pollute himself (through sin), the door is open to him; but he who wants to cleanse himself is assisted by the heavenly powers. *Yoma 38b.*

After death man is asked, Hast thou been righteous in thy intercourse with the world? Didst thou appoint a time for the study of the Torah? *Sabbath 31a.*

God combines with the measure of severe justice also the measure of mercy. *Midrash Rabba Gen. 8.*

Sin hardens the heart of man. *Yoma 39a.*

The laws are given for the purification of man. *Midrash Rabba Gen. 44.*

The reward of the good deed is the good deed, and the payment of the sin is sin. *Pirke Aboth 2, 6.*

The pious have their hearts in their power, but the evil-doers are governed by them. *Midrash Rabba Gen. 45.*

Hillel says, If thou hast drowned, thou shalt be drowned, and at last those who drowned thee will be drowned. He said these words to a skull floating in the water. *Pirke Aboth 2, 6.*

Observe the slight commandment like the important one, thou dost not know the reward of the commandments. *Pirke Aboth 2, 1.*

With the measure with which one measures, he will be measured. *Sota Mishna I. 7—9.*

This world resembles the outer court, the world to come the palace; make ready in the outer court to be admitted into the palace. *Pirke Aboth 4, 16.*

Akabya, the son of Mehalalel, says, Be mindful of three things, then thou dost not get into the power of sin. Bear in mind whence thou hast come, and whither thou goest, and to whom thou shalt give account. *Pirke Aboth 3, 1. N. and W. 279.*

Be mindful of three things, then thou dost not get into the power of sin. Bear in mind what is above thee: a seeing eye, a listening ear, and all thy words are written in a book. *Pirke Aboth 2, 1.*

It says (Deut. 11, 26), Behold, I set before you this day a blessing and a curse, &c. Rabbi Eleazar says, Since the Holy One — blessed be he! — spoke these words on Mount Sinai, from this moment "Out of the mouth of the Most High proceedeth not evil and good? (Lament. 3, 38.) But the evil comes by itself upon him who does evil, and the good upon him who does good. *Midrash Rabba on Deut. c. 4; N. and W. 281.*

The Talmud teaches, that God punishes the people of superior morals more heavily, even if they deviate a hair's breadth from the right path.

It says (Ps. 50, 3), And it shall be very tempestuous round about him. From this it is evident that the Holy One — blessed be he! — is strict to a hair's breadth with those about him. Rabbi Nechunya proves this from Ps. 80, 7, God is greatly to be feared in the assembly of the saints, and to be had in reverence of all them that are about him. *Baba Kamma* 50a; N. and W. 280.

The same is to be found in *Yebamoth* 121b.

From this view springs the doctrine which is already found in the prophets that the sin of the Israelite is punished more heavily than that of the non-Jew.

You only have I known of all the families of the earth: therefore I will punish you for all your iniquities. Amos, 3, 2.

Friedrich Delitzsch quotes the first half of this saying of the prophet, and omits the second half in order to forge a charge out of it. But Israel is not chosen for greater rights, it is chosen for greater obligations (Deut. 4, 9f.). In all the Jewish festival prayers it says, For our sins have we been driven out from our land, and far from our own soil.

If one was righteous during his whole life, and at last became an evil-doer he loses the reward of his former virtues and receives retribution as a sinner. *Kiddushin* 40b.

In the world to come, it says, God will let the sun shine in all his splendour (literally: he will uncover it), and the evil-doers will be judged by him, for it says (Malachi 4, 1), The day cometh that shall burn as an oven. *Midrash Rabba* on Gen. 1, 6.

In regard to this saying the two teachers Rabbi Jannai and Rabbi Simon remark,

There is no hell, but it will be the day with its full light that will destroy the evil-doers.

A third, Rabbi Juda ben Ilai, explains:

Neither a day in its full ardour nor the hell of purgatory will punish the evil-doers, but the fire that proceeds from themselves, for it says (Isaiah 33, 11), Ye shall conceive chaff; ye shall bring forth stubble: your breath, as fire, shall devour you.

Rabbi Jochanan ben Zakkai (1st century A. D.) says, Let thy garment be always white (Koh. 9, 8). A king invited his servants to a banquet without fixing the time of it. There were wise ones among

them who at once put on the festive raiment, and waited, thus prepared, before the palace of the king; but there were also fools who said, There is no banquet without preparation; we shall wait until this is made. They went about their work without care. Presently the king had his servants called to the banquet. The wise ones came in their festive raiment, but the fools came in their soiled garments. The king rejoiced over the former; they sat down and ate and drank. But he was angry with the latter; they stood about and looked on. *Sabbath 153a.*

When the disciples of Rabbi Jochanan, the son of Zakkai (the founder of the first Talmudic school after the destruction of Jerusalem), came to see him on his sick-bed, and asked him, why he was crying, he told them, that he would cry if he were led before a secular lord who could only kill him; should he not cry when he was to present himself before God who might condemn him to eternal death? Two ways he sees before him, one to Paradise, the other to Hell, without knowing whither he will be led. (*Berachoth 28b; N. and W. 278.*)

Rabbi Jochanan was a man of exemplary piety and deserved much credit for the preservation of the Jewish religion; and yet he had misgivings.

The Jewish doctrine of moral liberty is well-known to Christian experts on Judaism:

"The power of evil over man according to the moral and religious outlook of the Jews is not absolute, it rather depends on man's self-determination, whether he will hearken to Jahve's commandment and, in fear of him and in obedience to his will, repudiate evil and choose good. The Israelite, therefore, has a vivid consciousness of his personal responsibility for his actions, and every mortal sin is to him a personal guilt which is threatened by the punishment of God" (Eduard Riehm, *Old Testament Theology*. 1889, p. 178).

"The basis of the contrast between pious men and wicked ones is the view that one of his own choice may be a pious man or a wicked one. Indeed, this was the prevailing conviction at all times, and it has never been changed in Judaism or even influenced by the other conviction of the universality of sin" (Justus Köberle, *Sin and Grace*, 1905, p. 345).



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## CHAPTER XIII.

### KIDDUSH HASHEM, CHILLUL HASHEM.

Akiba forbids overreaching the idolater for fear of the name of God being profaned. Rohling, Justus, and their plagiarists find therein only the direction "to take care not to be found out lest it should be a discredit to Israel".

Against the imputation of such low motives, the following passages in the New Testament were referred to on the occasion of the law-suit Rohling *versus* Bloch:

Having your conversation honest among the Gentiles; that, whereas they speak against you as evil-doers, they may by your good works, which they shall behold, glorify God in the day of visitation. I. Peter 2, 12.

Let your light so shine before men, that they may see your good works, and glorify your Father which is in heaven. Matth. 5, 16.

Thomas Aquinas (opera XVI, 292) declares, That those who are outside the pale of the Church must also be treated properly, that the name of the Lord be not profaned . . .

Now to the subject itself.

#### (a) Sanctification of the Divine Name.

In the religious teachings of Israel the commandment "to sanctify the divine name" occupies the first place; just as in contrast to it the "desecration of the divine name" seems to be the most grievous of sins.

"I will be sanctified in you before the heathen" (Ezek. 20, 41).

"And am sanctified in them in the sight of many nations" (ibid. 39, 27).

"Ye shall be holy: for I the Lord your God am holy" (Lev. 19, 2).

"For thou art an holy people unto the Lord thy God" (Deut. 14, 2).

Rashi on this passage, and the Talmudic commentary of the Bible, *Sifre* c. 104 defined the conception of sanctification by the renunciation of what is allowed and permitted.

And Moses said to Aaron, the High Priest who bore his pain at the sudden loss of both his sons who were burnt in the temple, without lamenting or murmuring, in dumb sorrow, "This is it that the Lord spake, saying, I will be sanctified in them that come nigh me, and before all the people I will be glorified". And Aaron held his peace. (Lev. 10, 3.)

The martyr-death is repeatedly praised as a sanctification of the divine name.

At the time of religious persecution, the obligation was in force rather to be killed than to offend against the slightest commandment, at the order of a despot.

Rabbi Jochanan reports in the name of Rabbi Simon:

In the college it was determined by a majority of votes, if one is told that he must commit a sin lest he be killed, then one is not bound to die, unless it be to avoid the three capital sins — idolatry, incest, and murder.

Rabbi Dima says in the name of Jochanan. This is only valid for ordinary times; but in times of religious coercion one must not offend against the slightest religious commandment in order to save one's life.

Rabina in the name of Jochanan says, Even in lawful times that axiom holds good only for a secret sin, but not for sinners in public.

Rabbi Jacob says in the name of Jochanan, **Publicity means, before no fewer than ten Israelites**; for it says, I will be hallowed among the children of Israel. Nine Israelites and a non-Jew do not constitute a religious community, nor publicity. *Sanhedrin* 74a; b.

The definition of the concept of "publicity" is very important in this case; publicity is constituted by the presence of ten co-religionists. Non-Jews are not counted at all. The assertion of the falsifiers of the Talmud who impute to the law the motive "that the name of Israel may not be disgraced" is evidently a lie.

### (b) Desecration of the Divine Name.

The desecration of the divine name is one of the gravest among the moral crimes. Every morally doubtful or culpable deed may, in consequence of the circumstances under which it has been com-

mitted, also imply a desecration of the divine name; the sinfulness of the deed is greatly enhanced by it; its punishment in this world and in the next is proportionately higher and harder.

It says (Lev. 22, 32), "Neither shall ye profane my holy name; but I will be hallowed among the children of Israel."

What constitutes the desecration of the divine name?

He who is not mindful of the honour of his Creator, it would be better for him not to have come into the world. Who is this? Rabbi Joseph says, He who sins secretly. *Chagiga* 16a; *Kiddushin* 40a; N. and W. 140. Cf. *The Talmudic Jew*, p. 40; 82.

Here, the secrecy of the deed is designated as a desecration of the divine name. He who flees with his lust from human eyes, but is not afraid of the eye of his Creator has twice dishonoured the majesty of God: not only has he committed a sin in itself, but also proved by the manner of his deed that he was more anxious about the judgment of man than of God himself.

He who profanes the name of God in secret will be punished in public, whether the sin was committed from mistake or deliberately. *Pirke Aboth* 4, 4; N. and W. 141.

"The hypocrites are publicly denounced on account of the profanation of the name of God" (*Yoma* 86b; Nöldeke and Wünsche 142 add: in order to prevent them from doing harm, and to prevent this profanation).

Rabbi Jochanan, the son of Zakkai, was asked by his disciples, Why does the Torah punish the thief more severely than the robber? [The latter need only make amends for the damage, while the thief must pay double the sum, and if he stole cattle, even four or five times as much.] Rabbi Jochanan replied, the latter (the robber) esteems equally the honour of the slave (of man) and the honour of his master (i. e. of God), the former does not esteem equally the honour of the slave and of his master. He pretends that the divine eye does not see, and that the divine ear does not hear. *Sota* 8b; 9a; *Baba Kamma* 79b.

Nöldeke and Wünsche add by way of explanation (144):

The robber, i. e., every man who openly takes something from somebody else, defies God and man, consequently does not do more honour to the latter than to the former, while the thief is afraid of man, and not of God.

Again, we read:

All that the wise men have forbidden to be practised publicly must not been practised in secret chambers either. *Beza* 9a.

In opposition to this view, there are some authors who voice a contrary opinion: the profanation of the divine name is added to the sin, and intensifies its culpability and heinousness when it is publicly committed, before the eyes of all. The sin which has lost the consciousness of its reprehensibility, which has cast off shame, and by its public prostitution demoralizes others: this, before everything else, means a desecration of the majesty of God, a profanation of his name.

Rohling (*The Talmudic Jew*, p. 40; 42) in misrepresenting this asserts:

Frankly and bluntly the Talmud says that it is permitted to sin, only it must be done secretly . . . Altogether the rabbis urge that secret sinning is permitted, but one must beware of being found out, in order that the Jewish religion, and Judaism may not be put to shame.

We shall soon see that no such saying, permitting secret sinning is to be found in the entire Hebrew literature.

The canonical law has precepts in this regard which must not be overlooked.

Corpus Juris Canon., Decretum Gratiani, II. Pars, Causa XXIII, Questio IV, c. XIX.

Here it says expressly that public sins are to be punished more severely than secret ones.

Corpus Juris Canon., Decretales Gregorii, Liber V, Titulis XVIII, Cap. V: Here it says that a secret thief, after having done penance, may take holy orders.

Professor Johannes Petrus Gury, *Compendium Theologiae Moralis*. Regensburg 1868, p. 10:

If a temptation lasts a long time it is not necessary to resist it because this would be too troublesome, and might lead to innumerable scruples.

In support of his assertion that the Talmud permits secret sinning, Rohling quotes as his authorities: *Chagiga* 16a; *Kidd.* 40a; Maimonides, *Jad Ch.* 4, 11 f; 31. Gen. Mikk. seph. miz. gad., f. 132.

The passages in *Chagiga* and *Kidd.*, and *Moed katan* 17a are literally alike, and run, according to Nöldeke and Wünsche (145), as follows:

Rabbi Ilai the elder said, If a man sees that the impulse (his passion) gets the better of him, let him go to a place where he is unknown, let

him clothe himself in black, and let him do what his heart asks, but do not let him profane the name of God publicly.

Nöldeke and Wünsche add to this (147):

Rabbi Ilai did not think of permitting secret sinning, but he says, If sinning it must be, then it is better that it be done secretly, that there be no religious scandal. That such a saying may easily be abused is just as evident as that it is legitimate, if rightly understood. But that in Judaism an improper use of the saying had taken place is still to be proved.

If a man, whose wife is ill at home, shows himself with a strumpet in an opera box, even many a respectable Christian, adapting Rabbi Ilai's dictum, will say: If a man must have a mistress, let him take lodgings for her in a suburb, and go to see her there in the evening, instead of publicly giving offence and causing grief to his poor wife, if it comes to be known.

It is interesting that later rabbis, perhaps anxious that the saying of Rabbi Ilai might be misconstrued, tried to divest it of everything offensive by their interpretation.

Our teacher Chananel says, God forbid that it should be permitted to commit a sin; Rabbi Ilai said thus (thought thus). The exertion of the journey, the strange surroundings and the black garment break the evil impulse, and keep man from sin. Tosaphist on *Kidd.* 40a. Likewise Rashi on *Moed katan* 17a; N. and W. 147.

He who takes time before following the desires and impulses of the heart, if only to change his garment and to put on mourning-dress for the peace of his soul which he is about to abandon, a mourning-dress for the innocence and spotlessness of his mind which he is about to throw from him; who goes where nobody knows him but he himself and his God; who, in the moment of overwhelming passion, preserves so much self-control as to think of his God and of the sinfulness of his purpose, let him take the advice of Ilai — he may well do what his heart commands him. This is what Rashi thought.

Concerning the passage in Maimonides quoted by Rohling, the explanation of Nöldeke and Wünsche will be sufficient (147):

If Rohling imputes to the rabbis the axiom that secret sinning is indeed permitted, this passage certainly cannot be utilized as an authority.

Moses de Coucy says only that penance, the Day of Atonement, and sufferings cancel all sins, except the profanation of



the name of God; the latter is expiated by death only. Moses de Coucy adds (*Semiag*, Prohibition 2; N. and W. 148):

I have been preaching to the dispersed that those who deceive and steal from the Akum belong to those who profane the name of God, because they cause the Akum to say: The Israelites have no Torah (no religion)... and in *Pirke Aboth* it says, Everybody who profanes the name of God secretly, will be punished for it publicly.

Similarly Bechai ben Asher, *Kad-ha-Kemach*, ed. Warsaw, p. 18:

Profanation of the divine name is the most grievous crime, and neither penance, nor the Day of Atonement, nor bodily affliction can atone for it; thus our wise men (*Yoma* 86a) taught: If somebody offend against a commandment and do penance, he is at once forgiven. The offence against a commandment is atoned for by penance and the Day of Atonement combined; deadly sins can only be atoned for by penance, the Day of Atonement and bodily affliction combined. But he who profanes the name of God finds complete atonement only through death. Evading taxes is also a profanation of the name of God, and how great is this crime! The Holy One, blessed be he! — pardons the sin of idolatry, but not the profanation of his holy name, for it says (*Ezek.* 20, 39), As for you, O house of Israel, thus saith the Lord God: Go ye, serve ye every one his idols, and hereafter also, if ye will not hearken unto me: but pollute ye my holy name no more with your gifts, and with your idols.

Let me add: A deed, in itself indifferent, may because of the concomitant circumstances, or because of the person who commits it, lead to the profanation of the divine name, and thus become morally reprehensible.

If a minister of religion partake to excess of public revels and banquets, he profanes the divine name. It constitutes a blot on his avocation, and religious thought is disgraced. *Pessachim* 49a.

Rabba was so strict that he looked upon the purchase of a thing without immediate payment as a profanation of the name of God. *Yoma* 86a.

The executed culprit must not be left on the gallows over night, because this is a profanation of the name of God. *Sanhedrin* 46a.

Not only is secret sin forbidden, but even the mere thought of it is morally reprehensible.

A man had cast an eye on a woman, and impure love had made him sick. The physicians were consulted, and they said that there was no

help but that he approach her carnally. The wise men decided: Better that he die than approach her. Thereupon the physicians, Let her at least bare her charms to him once. And the wise men: Better that he die than that she should bare her charms to him. Thereupon the physicians let them at least speak together over a wall. And the wise men, Better that he die, than that she should speak to him across a wall. *Sanhedrin 75a.*

Lastly the question must be answered: What does the Church teach in regard to secret sinning? We quoted some passages above; others will follow.

Pope Lucius III. (1181—1185) when asked whether it was permitted to hear mass from an incontinent priest replied in a letter to the magister and the fratres of St. Jacobus (Mansi XXII, 445, 483a) in the following way: "One crime is that which is notorious, and another that which is secret. A notorious crime is that for which a priest is canonically condemned, a secret one is that which the church tolerates. Thus there is no doubt about it that it is permitted to be present at the divine service of clergymen and priests though they are fornicators, as long as they are tolerated by the Church, and even to receive the sacraments of the Church."

In the Council of Nîmes (1096) Pope Urban II. ordered (Canon 12) the publicly licentious priests to be degraded (Mansi XX, p. 935, 936).

In the Council of Cologne (1225), at the instigation of the papal legate Conrad, it was decided to inflict punishment on every clergyman who, from that time on, would publicly keep a concubine (Mansi XXIII, p. 2—4; Harzheim III, p. 620, 521; Acta Synodalia Osnabrugensis Ecclesiae, Colon. Agrip. p. 1653; 1665). Similar decrees against "public fornicators and consummators of secret marriages" were resolved upon on the provincial Synod of Trier (1227). Canon 8.

In 1267, at a Synod in Vienna, special punishments were resolved upon against clergymen who "openly keep concubines" (Mansi XXIII, 1170; Harzheim III, 633).

The same resolutions against public concubines were passed in a Synod of Nîmes (Mansi XXIV, 505, 515, 541—542), and in a Synod of Melfi (Mansi XXIV, 572), as well as in the

year 1289 in the statutes of the Synods of Cahors, Rodez and Tulles (Mansi XXIV, 890; Harzheim III, 686–698). — Flacius reports of St. Thomas that the secret marriage of the clergymen is less objectionable: Nam in summa quae incipit, commiserationes Domini &c. (Flacius I, Catalogus Testium veritatis — Frankfort 1672. Fol. I, p. 627).

A similar decree of Pius V. of the year 1566 against the public concubines of the clergymen is to be found in Harzheim VII, 231, a second in vol. VII (744–755). It has been mentioned before that Pope Benedict VIII. complained in the Council of Pavia that the “stallions and boars of Epicure” commit their shameless sins not secretly but publicly. Neque id caute faciunt incauti; cum publice, et pompaticè, lascivientes, obstinatius etiam quam excursores laici meretricarii non erubescunt (Mansi XIX, 346). The Bishop of Tarent, the papal legate in Switzerland, when told that the nuns were doing whatever they pleased, that there was no investigation, but that, in case they were with child, there was a terribly dark prison ready for them, is reported to have said: “Blessed are the barren” (Wirz, *Helvet. Kirchengeschichte*, P. III, p. 202). Compare the axiom of the theologian Professor P. Gury, (above, p. 319).

In the face of this, of what consequence is the innocent saying of poor Rabbi Ilai, whom, besides, the commentators took to task and denied in the end!

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## CHAPTER XIV.

### TRUTHFULNESS.

#### I. The Charge of Falsehood and Hypocrisy.

Rohling says (*The Talmudic Jew*, p. 61):

The Talmud teaches: It is permitted to cheat (in dealing) the wicked in this world.

And in his paper against Delitzsch, he repeats:

It is permitted to cheat (in dealing) the wicked; Rabbi Simeon declares, it is permitted to cheat the wicked (i. e. the non-Jews) in this world.

As references he quotes *Sota* 41 b; Bechai on the Pentateuch 42b; *Kad Hakkemach* 30a; *Yalkut Shimeoni* on Isaiah, fol. 47c and others.

This declaration made by Rohling under oath was nothing but a lie. Trusting, however, to his authority, anti-Semitic papers (*Deutsches Volksblatt*, Vienna November 27, 1910) report:

According to the Talmud, a Jew may become baptized on the supposition that the baptism is not meant sincerely, for it is permitted to a Jew to deceive the Akum (Christians) by making believe that he, too, is an Akum.

*Vaterland*, Vienna of June 20, 1889:

Under this head comes that hypocrisy of some Jews who get baptized only in order to be of greater use to their tribe.<sup>1</sup>

(1) It was Rohling's method to hurl against the Jews all the accusations which Catholics raise against Protestants, and Protestants against Catholics. But to investigate whether these special accusations had, in connection with Jews, even the slightest semblance of a foundation, for that he was too unlearned and besides he was sure of the confidence of his special reading public. He knew from Protestant polemic writings that a greater number of prominent evangelical Christians were, secretly, confirmed Catholics. King Charles II. of England in his lifetime gave public assurances of his fidelity

In the entire Jewish law literature there is no such saying nor any similar to it. We shall see that the reverse teaching is impressively inculcated. A similar provision is to be found only in the writings of Christian theologians.

Johannes de Alloza, *Flores summarum*, Cologne 1677, Printed with the approbation of the superior authorities of the Church, p. 358:

If somebody is asked by a pagan, not from hatred of faith, but from hatred against bad Christians, whether he be a Christian, he does not commit a sin if he replies that he is not a Christian, namely such a one as the other thinks.

In contrast to this, *Shulchan Aruch*, *Yore Deah* 157, 2 says:

A man is forbidden to say that he is a Goy in order to escape being killed; but if, in the time of the decree (that the Jews are to be killed)

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to the Church of England; after his death (1685) it transpired that he had been, in secret, a Catholic. Frederick Augustus, Crown Prince of Saxony, the son of Augustus the Strong, was secretly converted to Catholicism in Italy, and he was permitted to conceal his conversion during the years from 1712 to 1717; a similar permission was given to Frederick, Crown Prince of Hesse-Cassel, to conceal his conversion from 1749 to 1754. Duke Moritz William of Saxony, administrator of the Protestant Seminary of Reitz, was converted through the Jesuit Schmeltzer, who had come into contact with him under the title of a secretary of legation, secretly became a Catholic in 1715, but controlled the Seminary to 1717. Chief Court-Pastor Stark of Darmstadt held his office of teacher until his death, but secretly issued under the title "Theoduls Gastmahl" a defense of the Catholic Church and an attack against the Protestants, and upon his death was buried in the Catholic cemetery. Still other examples of this kind are on record. Rohling, without any further ado, assumed that a similar state of affairs obtained among Jews.

Even the Spanish maranos, Christians by compulsion, when they succeeded to escape abroad, met with opposition when they appeared in the synagogues to take part in divine services, and before the approach of the Day of Atonement the rabbinate had first to issue permission for them to be present at such services. As to the attitude toward them we read in Max Grunwald's "Portugiesengräber auf deutscher Erde" (Hamburg 1902, Verlag Jansen), page 7: "Every Jew who travels to Spain or Portugal and returns, is not to be called to read the Torah or take part in any *mitzvah* for two years." Except for parents, Kaddish is not to be recited for anyone who "dies abroad". (Gemeindebuch der Hamburger Portugiesen.) See also Grunwald's "Mitteilungen zur jüd. Volkskunde, year 1912 (appendix) Vol. 3, "Die Familie Teixeira".



he changes his garment, this is permitted, if only he does not expressly say that he is a Goy.

**Nöldeke and Wünsche add (242):**

Thus the Jew may discard the Jewish dress, in order to look like a Goy, in case by it he avoids danger to his life, but he must not, in order to save his life, state expressly that he is a Goy.

***Tur Yore Deah* 157 (N. and W. 243):**

A man is forbidden to say that he is a Goy in order to escape being killed, for if he says that he is a Goy he professes their religion and denies the foundation (of the faith); but if somebody is sentenced to death, and saves himself by fleeing into the temple of the idol, of him my father, Rabbi Asher, says that he is permitted to flee thither, because by it he does not profess idolatry.

***Shulchan Aruch, Yore Deah* 157, 2. Hagah (N. and W. 244):**

All this is permitted only when life is in jeopardy, but if, where there is no danger of death, one puts on the garment of a Goy in order to disguise his being a Jew and thus evade the tax (of the Jew), and the like, this is forbidden.

The Jew tax, that special burden which continued down to modern times although the Jew had to bear all the other burdens of taxation like the Christians, was both an oppressive and a debasing measure; nevertheless the Jew was not allowed to dodge it by putting off the Jewish garb (an indignity which, by the way, was approved of by T. Aquinas; see above, p. 126). Only for the sake of saving one's life, this disguise is permitted.

But even in danger of death, the Jew is forbidden to pass for a non-Jew, i. e., to deny his religion even by a word — just the reverse of what Rohling testified under oath, that, according to Rabbinic law, the Jew, for a blind, may accept Islam or Christianity.

The Talmud preaches the duty of truthfulness with all rigour. ***Pesachim* 113b (N. and W. 237):**

The Holy One, blessed be he! hates three sorts of people. (1) Whoever speaks differently with his mouth, and with his heart (his thoughts); (2) whoever might give (a favourable) testimonial to his fellow-man, and does not do so; (3) whoever sees something ignominious in a fellow-man and gives evidence against him as the only person. (For a legal sentence which would be desirable a single witness is not enough, and yet it discredits the man concerned by an irregular means.)

*Baba Metsia 49a:*

Mind thy Yea and Nay, and do not speak with thy mouth without thy heart being in it.

Nöldeke and Wünsche translate literally (238):

But it tells you that thy Yea and Nay are to be just.

Abai said: This means that one must not talk one thing with one's mouth and another with one's heart.

*Shebuoth 39a:*

I will bring it [the curse] forth, saith the Lord of hosts, and it shall enter into the house of the thief (Zechar. 5, 4); thereby a thief is meant who deliberately deceives the people, for instance, if somebody puts forth an illegitimate money claim against his fellow-man, summons him before the court, and burdens him with an oath.

*Likewise it is impressed:*

Do not urge thy friend to partake of thy meal although aware that he does not want to eat with thee, and do not open wine-casks in his presence, not even such as are sold, lest he think that thou openest them on his account. Do not concern thyself about the price of a commodity, if thou hast no money, and do not inquire about the price if thou dost not intend to buy. He who cheats his fellow-man may be assumed also to cheat the omniscience of God if he had the power to do so.

The Jewish religious law includes such a deception in the notion of theft and calls it "theft of opinion".

*Chullin 94a (N. and W. 53):*

For Samuel said: It is forbidden to deceive people; even a Nochri must not be deceived... It has been taught: Rabbi Meir has said, A man ought not to insist on another eating with him when aware that he does not want to eat (with him). And he ought not to offer him rich presents if he knows that he does not want to accept them. And he ought not to open (wine-) casks which have been sold to a tradesman, unless he stated this. And he ought not to tell him, Anoint thyself with oil, if the pot is empty.

Rashi on this passage explains this by the following words:

One must not lead the Goy to believe that the Israelite is very intimate with him so as to make the Akum grateful to the Israelite, without cause.

In *Shulchan Aruch* this ordinance is to be found *Choshen Mishpat* 228, 6—7.

*Baba Metsia 58b (N. and W. 239):*

Mishna: Just as in buying and selling there is also cheating in words. One must not ask, What is the price of this? if one does not intend to buy it.

Gemara: If an ass-driver asks somebody for corn he must not be told, Go to So-and-So, he sells corn, if he knows that he never sold corn.

Rabbi Jehuda says: Do not even fix thy eyes on commodities, if thou hast no money (likewise *Pesachim* 112b. The seller is apt to believe one has money); for the word is delivered to the heart, and of every word that is delivered to the heart, it says (Lev. 25, 17), Thou shalt fear thy God i. e. fear to overreach somebody else with words).

Rabbi Jochanan said in the name of Rabbi Simeon, the son of Jochai: (Greater) worse is cheating by words than cheating by money, for of the former it says, Thou shalt fear thy God, but it does not say of the latter, Thou shalt fear thy God. Rabbi Samuel, the son of Nachman, says, The former may be returned, the latter cannot.

*Mechilta Par. Mishpatim* c. 13 (N. and W. 240):

He (the thief) shall restore (what he stole) double (Exod. 22, 4). Thou mightst say, There are seven kinds of thieves: (1) the thief who deludes people into false beliefs (literally: who steals the thoughts of beings); (2) he who asks his fellow-man to be his guest while he does not want to invite him; (3) he who offers his fellow-man rich gifts knowing that he will not accept them; (4) he who opens his casks (which are already sold to a tradesman); (5) he who gives false measure; (6) he who gives false weight; It is not only (that he deceives people), but he is looked upon as one who would delude the Most High (God), if he could. Everybody who deludes people into false beliefs is a thief.

He who by hypocritical, untrue words wheedles people into goodwill and friendliness has stolen this goodwill and friendliness.

Of the scrupulousness of Jewish scholars in this respect *Nedarim* 22 offers an example where a Jew asks whether he did right to save himself from a murderer on the highroad by a lie.<sup>1</sup>

*Nedarim* 22a (N. and W. 241):

(1) St. Paul said of himself (1 Cor. 9, 20): And unto the Jews I became as a Jew, that I might gain the Jews; to them that are under the law, as under the law, that I might gain them that are under the law.

In Chrysostomus, Ed. Monfaucon, Tom. I, de sacerdotio, lib. II, p. 369, we read: "Not only in war but also in peace times, the use of deception is, as you will learn by experience, great and necessary, not only in the affairs of state, but also in domestic matters, by the man toward his wife, by the woman toward her husband, by the father towards the son, the son towards the father. For in no other way could the daughter of Saul turn her husband from his hands than by deceiving her father."

When Ula was travelling from Babylonia to the land of Israel, two Cuthaeans accompanied him. Presently one of the two killed the other and then asked Ula: Have I done right? Ula replied, Yes. When he came before Rabbi Jochanan, he said to him, Did I perhaps — God forbid — assist the criminal? But Rabbi Jochanan replied, Thou hast only saved thy life.

The duty of truthfulness which the Talmud inculcates so rigorously could not always be carried out to the letter. Dispersed, enslaved, at the mercy of idolatrous rulers whose worship to them was an abomination, whose morals excited their contempt, the Jews had to be in daily intercourse with those who ruled the country. The duty of truthfulness would have compelled the Jews to show their contempt to these people, but the necessity of life compelled them to make show of faithfulness, obedience and subservience towards them.

It was thus in the olden times, and it is not different in the present, as the experience of the World War has taught us. One part of Galicia which has numerous Jewish settlements was, by the vicissitudes of the fortune of war, at one time under the rule of the Austrians, at another under the power of the Russians, then again under that of Poland. And the fortune of war varied from month to month; after the Russians marched off the Austrians came, and every time a new general took possession of the town and was inexorable against everybody who was suspected of sympathizing with the opposite party. The poor inhabitants had to protest to every new man in power their loyalty and their submissiveness.

Dr. Josef Kopp once wrote with truth:

Let us for a moment leave the Jews out of account. A happy adventurer gets hold of the reins of government, overthrows the constitution, crushes revolt by fire and sword, has the rebels shot and deported by thousands; terror procures quiet; he who does not bow to the circumstances, he who has the courage and mind to turn his back on his native country emigrates — it is a small band; the vast numbers of the population remains — cannot help remaining. The usurper consolidates his rule, is acknowledged by all powers, fills all the higher offices with his creatures whom he permits to follow his example and to enrich themselves. All honest people hate and despise the man and his myrmidons. Now there lives an honest man, an official of the judiciary in

a provincial town; he has but a bare competence, his only hope is the preferment which is his due. There are a number of honest peasants who are ruined; their only hope is remission of taxes and state relief. There is an honest community which is threatened by pauperization, because through want of communications, they cannot sell their produce, their only hope is the building of a railway or a good road. The honest official goes to see the minister of justice, and utters his hope that the minister (who grants these posts to his favourites) with his well-known justice, &c. The poor peasants petition the minister of finance and utter their hope that the minister (who only intends to fill his pockets on the occasion of loans) in his well-known thoughtfulness, &c. The poor community petitions the minister of trade, and expects from him (who trades in concessions) benevolent advancement, &c. What about the poor moral law? Hypocrites, nothing but hypocrites! Or are perhaps those the worst who, at such hypocrisy, piously roll their eyes and thank God that they are not like these people?

The prophet Isaiah promised to distressed mankind a splendid age when "The vile person will be no more called liberal, nor the churl said to be bountiful". (Isaiah 32, 5.)

But mankind is waiting in vain for this time.

Let us now have a look at the quotations which Rohling instances in his charge.

*Yer. Sota 7, 7* (N. and W. 246).

Mishna: The king Agrippa got up, accepted the (code) scroll of the Torah standing, and read it standing. The wise men praised him. When he came to the words, Thou mayest not set a stranger over thee which is not thy brother (Deut. 17, 15), his eyes filled with tears (for the race of the Herodians to which he belonged was not of Jewish origin). But they said to him, Fear nothing. Agrippa, thou art our brother, thou art our brother!

On this, the Gemara of the Jerusalem Talmud remarks,

It has been taught: Rabbi Chanina, the son of Gamaliel, says, Many were slain that day, because they dissembled before him.

Nöldeke and Wünsche add by way of explanation (246):

Since the dynasty, through several generations, had counted itself among the Jews, had Jewish blood on the distaff side, and at least at times and in part practised the Jewish law, the acknowledgment was not quite false, the less so as the Edomites from whom the dynasty descended had accepted the Jewish law some time before. In any case, it was satisfactory that a Jewish prince openly professed his allegiance to the Torah.



The teller of the event in the Mishna evidently disapproves of nothing. Later authors, who did not know the real circumstances any longer, severely took their stand on the law. Cf. *Tosephta Sota* 7, 16: The Herodians were indeed an evil race.

Of the same event one reads in the Babylonian Talmud (*Sota* 41b; N. and W. 245):

It has been taught in the name of Rabbi Nathan: In that hour the enemies of Israel (enemies of Israel is a popular appellation for sinful Israel itself) became liable to extermination by dissembling before Agrippa. Rabbi Simeon, the son of Chalaphta, said: From the day that the fist of hypocrisy prevailed the sentences of the judges were unjust, and the works have become evil, and nobody can say to his fellow-man, My works are greater than thine (i. e., there is not a pin to choose between them). Rabbi Jehuda, the occidental (the Palestinian) — others say that it was Rabbi Simeon, the son of Pasi — gave the following explanation: One is permitted to dissemble with the evil-doers in this world, for it says, The vile person shall be no more called liberal, nor the churl said to be bountiful (Isaiah 32, 5). From this it is evident that one may dissemble in this world. Rabbi Simeon, the son of Lakish, furnished evidence from the following passage (Gen. 33, 10): For therefore I have seen thy face, as though I had seen the face of God, and thou wast pleased with me. (That is what Jacob said to Esau in whom, later on, the type of the villain was seen, so that these words in the sense of the story were meant to be an exaggerated piece of courtesy, not of hypocrisy.) And he is of a different opinion than Rabbi Levi; for Rabbi Levi said: The relations between Jacob and Esau may be set forth by the following parable: One man invited another; now the latter saw that the former wanted to kill him, so he said: This dish tastes exactly like one which I ate in the house of the king. Then the other thought, "The King knows him, then"; and he was afraid and did not kill him after all.

And Rabbi Eleazar said, Every man who dissembles brings wrath into the world, as it says (Job 36, 13), But the hypocrites in heart heap up wrath. Besides, the prayer of a hypocrite is not heard, for it says, (ibid.), They cry not when he (God) bindeth them, (because their crying would not help them at all). Rabbi Eleazar further says, The man in whom is hypocrisy falls into hell, and he further says, He who dissembles before his fellow-man at last falls into his power; if not into his, into that of his children, and if not into that of his children, into that of his grandchildren. Rabbi Eleazar says further, Every community in which there is hypocrisy is despicable, like one, in separation (unclean). Rabbi Eleazar further says, Every community in which there is hypocrisy, at last is excommunicated. — Rabbi Jeremiah, the

son of Aba, said, Four sorts of men do not enjoy the sight of the Shechina (the presence of God): the scoffers, the hypocrites, the liars, and the slanderers.

Bechai, *Kad Hakkemach* (Nöldeke and Wünsche 248):

It is well-known that a hypocrite is even worse than an idolater in four respects: the idolater has not been warned by a prophet who would have clearly expounded to him by signs and miracles the injury done by his thought; but he who practises hypocrisy by means of the Torah of the Lord — praised be he! — must be accused on account of the obligation taken upon himself to serve the Lord — praised be he! — and on account of the admonition received from Him to serve nobody but Him (since he serves people in an hypocritical manner)...

But there is an hypocrisy which is permitted in one respect, namely, if a man is polite towards an evil-doer, honours him, rises before him, and tells him, that he loves him; we find that this is permitted in case he needs him, and also from fear; for we read that Jacob spoke to Esau, the evil-doer (Gen. 33, 10), For therefore I have seen thy face, as though I had seen the face of God. Rabbi Jochanan said, It is permitted to dissemble before the evil-doers in this world, for it says (Gen. 33, 10), For therefore I have seen thy face, &c.

Rabbi Pedath disagrees with this, for he quotes, He that telleth lies shall not tarry in my sight (Ps. 101, 7), and again, For an hypocrite shall not come before him (Job 13, 16). According to the opinion of Rabbi Jochanan it is not permitted to dissemble before the evil-doer from fear, for it says (Ps. 101, 7), He that telleth lies, shall not tarry in my sight.

But an hypocrisy such as Jacob practised before Esau is permitted, because the expressions (he used) permit two different meanings in praise and in blame. For the word, I have seen, is also an expression of contempt, it belongs to the same expressions as, They look and stare upon me (Ps. 22, 17), or, They shall be an abhorring unto all flesh (Isaiah 66, 24), for the expression "Deraon" consists of two words, namely of "De", „sufficient" and "raon", "see". And "God" also means an idol. Now, if the evil-doer interprets these expressions as praise this is no offence; consequently he says, He misleads me, I do not mislead him. — And we also find that the wise men permitted the disciple of a wise man (scholar) to say, I am a fire worshipper, in order to be released from customs duty, because this expression may mean the Holy One — blessed be he! — as well as an idol. The Holy One — blessed be he! — is compared to a fire, as it says, For the Lord thy God is a consuming fire (Deut. 4, 24). An idol (is also called fire), for instance Moloch. And such an equivocal expression from fear is permitted even according to the opinion of Rabbi Pedath. Since the hypocrisy makes man an abomination before the Lord, it is incumbent on man to keep free from it, so that he does not pollute his lips by his

words, and declare the unjust a just man, and the just man an unjust one. And it is further incumbent on him that all his words be just and truthful, and all his works practised in truthfulness and perfection.

Bechai on the Pentateuch. Par. Vayishlach (Nöldeke and Wünsche 247), *Yalkut* on Isaiah c. 32, 447 (Nöldeke and Wünsche 249) contain nothing but a repetition of the words quoted above. And from the contents it is evident that the point in question is how one has to behave in the face of a despotic ruler. In such a case, equivocal expressions are permitted on the ground that he misleads himself who falsely understands the equivocal expression.

Ferraris *Prompta Bibliotheca*, IV. Juramentum offers directions (additiones Casinenses, 21, 22) how in an emergency one may make use of an equivocal oath, "Because (by the equivocal expression) we do not cheat our fellow-man, but in consequence of a just cause only admit that he cheats himself", and "every honest object for keeping goods useful for the body or the mind forms a just cause". The Catholic moral theology, then, uses the same argument in this case. *The Prompta Bibliotheca* which is based on the dicta of orthodox Catholic teachers of the Church is indeed no code of laws; but then neither are the works of Bechai and Yalkut: they are merely esteemed authors without binding authority, and if their works are still printed to-day, the *Prompta Bibliotheca* was also printed in the year 1858.

Lastly, the exceptional position of the oppressed Jews face to face with pagan rulers must be considered. Nöldeke and Wünsche remark: "Besides, no fairminded person will think hardly of the Jews if, in their perpetual distress, they tried to protect themselves against brutality by cunning and dissimulation" (247).

Franz Delitzsch (*contra Rohling*, p. 47) rightly states,

"That even towards those highest in power, where the profession requires it, strictest truthfulness is demanded is proved not only by the story of servility towards king Agrippa, for the sake of which according to *Jer. Sota* VII, 7, many were killed on that unfortunate day, but by another story told in *Sanhedrin* 19a. A servant of king Alexander Jannai's had killed a man. Then Simon ben Shetach said to the wise men: 'Look out for him,

that we may judge him'. The king heard of it, and sent for him. Thereupon a message was sent to the king that he himself was to come, according to the Torah. He came and sat down. Thereupon Simon ben Shetach said, 'Rise, king Jannai, for thou thyself art concerned, since thou art the master of the servant who committed the murder; thou dost not stand before us, but before Him at whose fiat the world was created'. The king answered, 'I shall do so, if not thou alone, but also thy colleagues demand it'. Then Simon went to the right, and they all looked down; he went to the left, and they all looked down. 'You are prevaricating', said Simon, 'but He who is the Lord over all thoughts will come and punish you'. And soon Gabriel came and knocked them to the ground so that they all died."

In the *Talmudic Jew*, p. 60, Rohling says: "Therefore, says the Talmud, it is forbidden to salute the wicked; but the saying, Man must always be cunning in the fear of God, is a pearl", and he quotes *Berachoth* 17a.

In his Opinion Dr. Joel of Breslau says:

"The expression 'pearl' shows his ignorance of the Talmudic language. Rohling or his authority has been the victim of a lapsus calami. He took the Chaldaean-Hebrew word 'margla' by which the quoted saying is being introduced (*Tr. Berach.* 17a) for 'Margalitha' — 'pearl' while in fact it means (as known to every tyro in the Talmud) in connection with 'bephume' = customary saying."

The passage itself runs as follows:

Abaya used to say: Let a man be ever wise in the fear of God, answer meekly, assuage wrath, be at peace with his brethren, with his relations, and with all men, even with a Nochri in the street, so that he will be loved by the heaven above, and by men on earth, and agreeable to everybody. Of Rabbi Jochanan, the son of Zakkai (who lived at the time when Jerusalem was destroyed) it is said that nobody was ever beforehand with him in a salutation, "not even a Nochri in the street".

Nöldeke and Wünsche add (250):

The context proves, that the words, "Be always wise in the fear of God", cannot possibly have an evil meaning. If Rohling had quoted the whole passage as he found it in Eisenmenger, this would have



been evident to everybody; though the strict sense of the words, "wise in the fear of God" is not quite certain. Rashi explains: to employ all kinds of wisdom in order to fear God; consequently he makes "in the fear of God" conditional upon "wise" — wise in regard to the fear of God; thus the precept would be, "to put forth all strength of mind in order to serve God duly". But perhaps it is better to understand the words in the following way: Be wise in thy devoutness, unite devoutness with wisdom, as it says in Matth. 10, 16: Be ye therefore wise as serpents, and harmless as doves. This would fit in with the following words which concern the intercourse — to be as courteous as possible — with other people.

Rohling and Justus should be reminded that even the meek Apostle John forbids (in the second epistle 10 and 11) saluting unbelievers; this commandment was taken so seriously that it is inculcated in Corpus Juris Canon. Decretum Gratiani, II. Pars, Causa XXIV, Questio I, c. XXIV:

If somebody comes to you and does not bring this precept with him, then do not receive him into your house, nor say unto him: I salute you. For he who salutes him takes part in his evil doings.

Irenaeus, *contra Haer.* 1, 16 can testify that the Fathers of the Church forbade the saluting infidels altogether.

And what does the national anti-Semitic moral say in regard to the duty of truthfulness?

In the course of a debate in the Prussian Diet about Jew-baiting being fomented among children (May 2, 1914) the delegate Kanzow quoted from the "Wandervogel":

"Hold your tongue, brave Teuton! Feel like this: This Siegfried is repellent to me. Think like this: I should like to box his ears. Act like this: Shake him by the honest hand. Speak like this: We are all of us German brothers. — Hold your tongue, brave Teuton woman! Feel like this: This Rose is most hateful to me. Think like this: I should like to scratch her eyes. Act like this: Kiss both her hands. Speak like this: We are all of us German sisters."

As a further proof of the hypocrisy and falsehood of the Jews Rohling quotes (*My Answers to the Rabbis*, p. 27; 28) *Gittin* 62a, according to which passage Rabbi Kahana used to be beforehand with non-Jews by saluting them, "May my lord have peace", his intention being to salute his teacher, not the non-



Jews, "As is evident from the Tossafists and Rashi's commentary." In *Gittin* 62a it is recommended not to salute the non-Jew with the double salutation, but with the simple salute of peace, and Rabbi Kahana who in such cases says, Peace be to the lord! is mentioned as an example.

The passage *Gittin* 62a (N. and W. 251) runs as follows:

Do not salute a Nochri twice. Rabbi Chisda was beforehand with him (a Nochri in a salutation, and Rabbi Kahana said to a Nochri: "Peace be with my lord".

As to the intention of Rabbi Kahana, it is true that Rashi says, He (Kahana) did not intend to salute the Nochri, but was thinking of his master.

But the Tossafists defend Rabbi Kahana against the insinuation of Rashi, on the explicit ground:

... that one ought not to pretend, and that the simple salutation is by no means forbidden, only the double salutation is forbidden. The expression "mar" (sir) in the language of the Babylonian Talmud is an ordinary address which is used instead of "you", but rarely of a third person.

Nöldeke and Wünsche add (252):

It is important that the Tossafists take umbrage at the supposition of the double meaning.

Rohling further says:

The *Shulchan Aruch* teaches the Jew to say to the Akum, "May thy God help thee and bless thy labour", by which he means that the Christian God knows nothing, consequently he mocks at the Christian with his wish. *Yore Deah* § 1, 147, Haga 5.

Justus (*Law* 62) gives the lie a different wording: "It is permitted to mock at the idols, and to say to an Akum (Christian), 'May thy God help thee', or 'May thy God bless thy labour!' While saying it, the Jew thinks that the God of the Akum (Christians) is an idol who, therefore, cannot bless."

What a brazen lie this is, is evident from the literal translation (N. and W. 254):

It is permitted to say to the Goy, Thy God may help thee, or, Thy God may send thee success!

The derisive addition of Justus' is not there; it is based on a malicious interpretation. And be it remarked that the commen-

tators protested against such a salutation being at all permitted. Thus *Sifthe Kohen* on the passage:

May God help thee, is permitted, but the words "thy God" are forbidden.

*Ture Zahav* in protesting very vigorously against the tabooed formula, "May thy God help thee!" says:

"May thy God help thee". Isserles, by adding "Thy" is not very accurate in this precept, for he took it over from the words of Maimonides (*Gittin* c. V., end), and I examined this passage (and found) that he did not intend to permit — God forbid — this address, but he refers to the following passage (*Mishna Gittin* 5. 9. Fol. 61a), The transgressors may be assisted in the sabbatical year, i. e. if they do their work in the seventh year (when the Israelite is not permitted to work), and they may be told: "God help thee", or, "May God give you success", and this refers to the Lord (really) — praised be he — but in old prints of Maimonides it says "thy God"; this, doubtlessly, is a clerical error. If this is the case this passage cannot be relied upon, for he (Maimonides) does not talk of this.

Nöldeke and Wünsche add (255):

"Now, if our author alleges that Maimonides did not write 'thy God' but without equivocation 'God', we might think it to be much more an assumption than a fact. But he is quite right: we can declare much more positively than he, that Maimonides really wrote 'God', since the Arabic original of the passage in question is available to us, whereas he had access only to the Hebrew translation. We are indebted for the Arabic wording to Professor Barth who kindly compared a manuscript at the library in Berlin; the passage runs as follows in the translation: If he sees him (the Goy) till the ground (for instance in the sabbatical year), he tells him, God (Allah) help thee, or grant thee success!" &c.

"Even if Maimonides had written 'thy God' it would be significant that our author decidedly disapproves of the equivocal expression. Besides, the discussion is of interest because it shows again that the authority of the *Shulchan Aruch* is not absolute.

## II. Mipne Darke Shalom.

## Another brazen lie of Justus:

The Akum (Christians) are not mourned, just the reverse; their death is gratifying; they must not be followed to their graves, except for the sake of peace. *Shulchan Aruch, Yore Deah* 340, 5 and Haga; *Moed Katon* f. 25.

The correct wording (*Yore Deah* 344, 8) is:

As to the Akum and the slaves, there is no necessity of mourning ceremonies and following the dead bodies.

*Beēr ha-Gola* adds:

Only what is necessary for the carrying of the bier and the burial need be provided. See, besides, chapter 367 on *Yore Deah* 367, 1.

In chapter 367, the same commentator says in the name of Joseph Karo:

One is also bound to escort the non-Jew to his grave, if thereby peace is advanced, or if it be a righteous non-Jew, since we know that a righteous Goy has a share in eternal bliss.

Thus precepts of humanity are maliciously transformed into brutalities.

The meaning of the words *Mipne darke shalom*, "for the sake of peace" on which Rohling and Justus try to put a wrong construction, "in order that the Akum (Christians) should believe, that the Jews were their good friends", is illustrated by the following passage:

*Gittin* 59a; *Mishna Gittin* V, 8; 9:

They (the wise men) ordained the following things for the sake of peace. The priest reads (the Torah at divine service), after him the Levite, and after the Levite the Israelite (layman) for the sake of peace. For the sake of peace the Erub is put in the old (former) house again. The cistern which is nearest to the canal is filled first, for the sake of the peace . . .

The poor among the Goyim are not prevented from having, for the sake of peace, the gleanings, the forgotten sheaf, the corner plot (of the field). Also the Nochri is assisted in his labour in the seventh year (in which the Israelite is not permitted to till the ground), but not the Israelite. Likewise (the Nochri) is saluted, for the sake of peace.

The various precepts which the Talmudists have fixed "for the sake of peace" concern, for the greater part, the intercourse of Jews among themselves, and for only a small part the inter-

course with non-Jews. By this alone the insinuation of Rohling and Justus is proved a falsehood.

Nöldeke and Wünsche (259) add:

"It is evident from these two Mishnas what the frequent expressions 'for the sake of peace' mean. In the first Mishna, we find a series of provisions about circumstances which are neither directly nor indirectly mentioned in the Jewish law, but they touch the civil order, and recognize throughout natural claims of equity as legal. In most of these cases the rabbis have only codified what the common law had established for the sake of peace. The second Mishna permits, nay, we may safely say, recommends good relations with and assistance of such persons who do not live strictly according to Rabbinic precepts, of course only as far as this assistance would not further forbidden things. This provision simply follows the necessities of common life. The principle "for the sake of peace" obtains both with regard to people living strictly within the law and with regard to those Israelites who are not quite so observant, and lastly, with regard to non-Jews. The Jews were not commanded by the Mosaic law to treat the people of another persuasion who lived in their midst as fellow-creatures; the precepts of the rabbis in this respect go beyond them, "for the sake of peace", but they are serious throughout, and just as valid as other precepts. The translation "for the sake of peace" would give the phrase an association of irony that could not but distort its real connotation. The expression does not imply a mere pretext, still less the deliberate deception which Professor Rohling reads into it.

I quote some other precepts:

Our masters have taught: The poor among the Nochrims are fed together with those of Israel, the sick among the Nochrims are cared for like those of Israel, the dead bodies of the Nochrims are buried as those of Israel, for the sake of peace. *Gittin* 61a; N. and W. 253.

In towns where Jews and non-Jews live together the guardians of the poor are nominated by both parts of the population, the poor-rate is levied from Jews as well as from non-Jews, the poor of the non-Jews are fed together with those of the Jews, sick non-Jews are cared for like Jewish ones, the dead are buried like those of the Jews, the mourners among the non-Jews are comforted like the Jews, they both

wash their vessels together at the well of the town, all for the sake of peace. *Jer. Gittin* V, 9; N. and W. 158.

Non-Jewish old men must also be treated with reverence, must be given a helping hand. *Yore Deah* 244, 7.

The precepts *Mipne Darke Shalom* are traced back to Gamaliel the Elder, president of the Synhedrion in the reign of Agrippa I.

Justus (*Law* 73) falsifies the text in the following way:

It is permitted to give alms to the Akum (Christians), to visit their sick, and to bury their dead, to weep for them, to comfort their mourners, for the sake of peace, i. e. to make the Christians believe, that the Jews are their good friends.

He transforms the command to feed into: "It is permitted . . . to give alms," and adds to it a sentence which can be described only as scoundrelism.

Trusting to the authority of Rohling and Justus, Professor Wahrmund writes:

This system of lies finds its highest expression in the Rabbinical law recommending disguising the natural antagonism of the Jew toward the Christians with the fictitious appearance of loving kindness and complaisance, and giving among other reasons this, "that the Jews may appear in the eyes of the Christians as good-natured men, and that the God of the Jews may not be dishonoured in the eyes of the Christians". *Gesetze des Nomadentums* p. 59.

This fiction is beneath refutation. At the time this law was being established, the first Apostles were going out into the world to preach of Jesus Christ.

In the Talmud itself the lofty social idea of the axiom "for the sake of peace" is explained clearly enough.

In the school of Rabbi Ishmael it has been taught, Thou shalt sanctify him (the priest) (Lev. 21, 8). This concerns everything that belongs to sanctity, that the priest when reading the Torah in the college speaks the benediction first, and, at a distribution, takes to himself a fine share. Abai asked Rabbi Joseph: In the *Mishna* it says: For the sake of peace, but is this stated already in the Torah? He answered: It says thus in the Torah, and also for the sake of peace. The whole Torah is for the sake of peace, as it says in Prov. 3, 17: Her ways are ways of pleasantness, and all her paths are peace. *Gittin* 59b; N. and W. 260.

Rabban Simeon, the son of Gamaliel, says: The world rests (properly speaking: stands firmly) on three things (the moral scheme of the universe rests on three pillars): on justice (administration of justice),



on truth, and on peace, as it says in Zech. 8, 16: Speak ye every man the truth to his neighbour; execute the judgment of truth and peace in your gates. *Pirke Aboth* 1, 18; N. and W. 261.

It says in Prov. 3, 17: Her ways are ways of pleasantness, and all her paths are peace. This verse is intended to teach us that peace is the principle and the root of the whole divine law. Thus we likewise find that the principle of the creation of the world is peace. Bechai, *Kad Hakkemach*, on Peace 73 c; N. and W. 263.

Chiskia said: Peace is great, for it says in all the commandments: If thou seest, &c., If thou meetest, &c., i. e. whenever occasion offers thou art bound (to perform the commandment), if not, thou art not bound thereto, but here (concerning peace) it says in Ps. 34, 15: Seek peace and pursue it! (And do not wait for an occasion to do it.) *Midrash Rabba* on Lev. 9; *Yalkut Nasso* II, 711, p. 464; N. and W. 263.

While every commandment of the religion depends on circumstances of space and time, the commandment of peace possesses absolute validity, and is, as it were, the collective commandment. *Midrash* Lev. cap. 9; *Yalkut* II, number 711.

In *Sifre*, *Nasso* (Nöldeke and Wünsche 265) peace is praised in superlative terms. It says there:

Peace is great, for it has fallen to the lot of the just. Peace is great, it has been given to those who love the law. Peace is great, it has been given to the poor. Peace is great, one needs peace even during the war (i. e. the law of nations regulates also the war), and, lastly, Peace is great, for even if they commit idolatry, and if peace only prevail among them, it is, as it were, as if Satan did not touch them. Peace is great, for even angels need it. Peace is great, for it redeems the whole creation.

He who practises religious laws without impure motives, makes peace in the heavenly and earthly spheres. *Sanhedrin* 99b.

Peace, then, is the only object of the Torah and of religion. All their laws and rules must aspire to reach this end. But if a nation be wicked, atheistic or idolatrous, and yet knows how to observe peace and to keep it, then the end has been attained in a blameworthy way.

If a nation commit idolatry, and yet keep peace in its midst, then it does not suffer the wrath of God, the accuser has no power against it. *Midrash Rabba* Gen. cap. 38; *Yalkut* II, number 711.

They who make peace between litigants are sure of the eternal life. *Taanith* 22a.

He who brings peace into his house has the same merit as if he brought peace into the whole of Israel. *Aboth de Rabbi Nathan* c. 12.<sup>1</sup>

1. The press-bureaus or societies of international pacifism will be found mainly directed by men and women of the race whose salutation was not "How do you do?" but "Peace be to you!" . . . No one has labored more for the pacifist ideal than the inventor of Esperanto, the late Dr. Zamenhof, the Russo-Jewish oculist who truly strove to heal the blindness of humanity. If he sought to undo the curse of Babel, it was in order to bring the Peace of Jerusalem. (Israel Zangwill, *The Voice of Jerusalem*, p. 13).

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## CHAPTER XV.

### THE CHARGE OF PRESUMPTION.

#### I. The Alleged Infallibility.

Rohling invented for his ends quite a new doctrine, totally foreign to Judaism, the doctrine of the "infallibility", not of a collective body, of a supreme board or of its head, but of all the rabbis, even if they absolutely contradicted one another.

Thus he says in the *Talmudic Jew* p. 39:

The rabbis who made the Talmud lay claim to the same validity for their contradictory dicta. Thus the Talmud actually reports at length the eternal disputes of the houses of Hillel and Shamai; whether about a gnat or a camel, an important or an irrelevant question. The views of both schools are always diametrically opposed to one another; yet the Talmud says: Either is the word of God, what Hillel teaches, and what Shamai teaches. Somewhere else the views of both are again contradictory, and the question how the law is to be discerned, is followed by the answer: God speaks all these words; get ears like a funnel and a heart that hears the words of those who prohibit and those who permit. This means quite frankly: Since everything is the word of God, practise what thine heart desires, according as the execution is possible.<sup>1</sup>

This is entirely an invention of fanaticism. The Talmud is a debating room with disputes and discussions, questions and answers, but not all the voices which are heard in this debating

(1) Dr. Arthur Dinter (*Rays from the Talmud*, p. 49) alleges: The rabbinical morals prohibit everything, and at the same time, permit everything, and it is at every Jew's own discretion to pick out what suits him. If one nails down a rabbi at a passage in which lying, cheating, theft, evading of custom duties, killing, murder, and adultery are permitted or even compulsory, he instantly produces another passage that teaches the reverse.

room have the power of authority, nor are they rules of conduct for the Jews; with the exception of those which, after long discussions, objections and replies, were made law. The thought of infallibility is diametrically opposed to the fundamental principle of Talmudism which may be expressed plainly by the maxim: majority, not authority. In innumerable passages the axiom is pronounced that, in matters of religious practice, the opinion of the majority swamps the dissentious view of an individual teacher.

In the college in which those discussions and disputes took place which, transmitted by oral tradition, at last were written down, and in this shape formed the Talmud, the question was put, in case opinions clashed, and the majority of the votes carried the day.

*Mishna Eduyoth* I, 4 and *Tosephta Berachoth* 4, 12 (Nöldeke and Wünsche 283) establish the rule: Practice is always guided by the opinion of the majority.

Rabbi Judah says: Why is the opinion of an individual idly mentioned although opposed to the opinion of the majority? Because, if somebody says, This (individual opinion) I have heard as tradition, thou mayst reply, Thou hast heard the rejected opinion. *Eduyoth* I, 6; N. and W. 285.

In the college, proceedings were much like those in a modern parliament. The members, divided into parties, joined the several leaders, very often there were hot discussions, excited debates, arguments *pro* and *con*; decisions were arrived at by majority vote. Some sort of order of procedure had crystallized itself for the course of debates and the mode of voting, of which several fragments have been preserved in the old *Tosephta Sanhedrin* c. 7.

All were entitled to vote who were authorized to occupy the office of teacher or of judge; but only the smallest number of them were office holders. The greater part of them were men of secular vocations, mostly artisans — joiners, blacksmiths, tailors, shoemakers, porters, &c. The Talmud faithfully registers their votes, mentions the names of the authors and their handicraft. After the wear and tear of the day, the men assembled in the

evening in the college, few of them rich people, most of them poor ones who earned a frugal living by hard labour. They were all on an equal footing; only the knowledge of tradition, acumen, and moral conduct determined status. In free discussion the traditional axioms of justice were examined again and again, until the majority agreed concerning form and substance of the axiom. These axioms, called *Halachoth*, were systematically arranged, and, in their totality, form, as "*Mishna*", the irremovable bedrock of the Talmud.

Teachers who were especially distinguished, as for instance Hillel and Shamaï, formed their own schools, and collected numerous adherents. As a rule, the college decisions of the followed the opinion of the school of Hillel.

*Mishna Eduyoth* 1, 12; 14 (Nöldeke and Wünsche 284) quotes cases in which the school of Hillel (the more distinguished) was convinced by the reasons of the school of Shamaï, and yielded to them.

*Mishna Eduyoth* 1, 1—3 (Nöldeke and Wünsche 282) quotes three cases in which the schools of Shamaï and Hillel clash. After every controversy it says: But the wise men agree neither to this nor to that, i. e. though Hillel and Shamaï were highly respected men, the majority followed a third opinion. In the same treatise 1, 4 (Nöldeke and Wünsche 283) the question is put why the words of Hillel and Shamaï are quoted although the majority had rejected them. The answer is: "In order to teach future generations that man ought not to persist in his will (opinion), for the fathers of the world (i. e. the most distinguished wise men) did not persist in their opinion either", i. e. they submitted to the majority.

The votes were counted, but not weighed, and the minority always had to yield. Only rarely did it happen that the ban had to be pronounced against some Talmudists or teachers of the *Mishna* who, in defiance of the majority, persisted in their opinion. Thus it is reported in *Eduyoth* 1, 6 that Akabia, a very learned member of the Synhedrion, protested against a decree of the majority concerning four decisions by invoking old traditions.



For a long time endeavors were made to prevail on him to submit; when these proved ineffectual the ban was inflicted on him. He died in isolation, and advised his son always to submit to the decrees of the majority. Eliëzer ben Hyrkanos who is highly praised in *Aboth* 11, 8 met with the same fate.

Akabia, the son of Mehaiael, testified to four things; but they (the wise men) said to him: Akabia, recall these four things (opinions) which thou hast taught, and we shall make thee the president of the court of justice of Jerusalem. But he replied: I prefer being called a fool for life to being an evil-doer before God for a single moment. It shall not be said, He has recalled something on account of a high office. What he did was that he denounced as unclean a hair left from white leprosy.

Thereupon they inflicted the lesser ban on him, and he died in the ban, and the court of justice threw stones on his coffin.

From this it is evident that the coffin of a man on whom the ban was inflicted, and who died in the ban, is pelted with stones. In his hour of death Akabia said to his son: "My son, repudiate the four opinions which I taught." When his son asked him: "Why didst not thou thyself do so?" he answered: "I heard them from the lips of the majority who again heard them from the lips of the majority. I persisted in what I had heard, as they persisted in what they had heard. But thou hast only heard it from the lips of a single man (i. e. from mine); in regard to the decision of the majority (a general consensus) it is right to give up the words of a single man and to accept those of the majority." Then he (his son) said: „Father, recommend me to thy associates." Akabia replied: "This I shall not do." And when his son asked: "Why, didst thou find anything in me to give thee offence?" he answered: No, but thy doings will bring thee near (recommend thee), and thy doings will remove thee (estrangle thee from men, according to thy doing right or wrong). *Mishna Eduyoth* V, 6 and 7; N. and W. 285.

The tale of the conflict of Eliëzer and his associates, when he refused to abandon his own opinion for that of the majority, is very illuminating. It is nothing more than a highly coloured legend, but it is characteristic of the way of thinking of Talmudism.

Rabbi Eliëzer ben Hyrkanos was deemed superior in acumen to all his associates. He was the brother-in-law of the president of the senate, i. e. the chairman of the Superior Court of Justice, and accustomed to having his opinion prevail. *Pirke Aboth* 11, 12 say of him: "If all the wise men of Israel were in one scale, and

Hyrkanos alone in the other, he would outweigh them all". There was an occasion when he tried in vain to uphold his own divergent opinion with all the means of sagacious logic and exegesis and to win over his adversaries.

Thereof *Baba Metsia* 59b and *Jer. Moed Katon* 3, 1 report as follows:

Rabbi Eliézer tried all the objections in the world, but they were not accepted. When all his arguments were in vain, he said: If the Halacha agrees with me (if I am right), this tree be my witness. Thereupon the tree became uprooted and flung away a hundred miles; some say four hundred miles. But the wise men coolly replied: Trees cannot be invoked as witnesses. Thereupon Rabbi Eliézer said: If I am right, the running brook shall prove it. Whereupon the water began to flow upward. But the wise men said: Water is no argument. Then Rabbi Eliézer screamed: Then the walls of this college may confirm it, if I am right. At once the walls began to bend. But Rabbi Joshua who was in the chair reproved them: Ye walls, if learned men contend about the Halacha what right have ye to interfere? Then from sheer awe of Rabbi Joshua the walls did not continue bending themselves, but from awe of Rabbi Eliézer they did not right themselves again either. Thus they are still slanting as may be seen at the present day. But Rabbi Eliézer did not yield, and at last called out: If I am right God himself will confirm it. Then a heavenly voice was heard: Why do you quarrel with Rabbi Eliézer whose doctrine is right everywhere? Then Rabbi Joshua got up and said: The Torah is no longer in heaven. And Rabbi Jeremiah said: Once the revelation came from heaven, and we received the Torah. Now we no longer give heed to heavenly voices; for in the Torah itself it says: Decision according to the majority. As Eliézer still refused to yield, the ban was pronounced against him, with, as a matter of course, the consent of the president of the senate, Gamaliel, his brother-in-law; the message was delivered by his favourite disciple Akiba.

Some time afterwards Rabbi Nathan, who had taken part in that memorable meeting, met the prophet Elijah (who, as is well-known, to this day walks among us in human shape). What did they say in heaven, asked Rabbi Nathan the prophet, about our quarrel? Elijah answered: God smiled and said: My children have overcome me . . .

So well established was the principle of majority that it was stronger than the voice of heaven, stronger than miracles.

This agrees with the spirit of the Old Testament:

"What thing soever I command you, observe to do it: thou shalt not add thereto, nor diminish from it. If there arise among you

a prophet, or a dreamer of dreams, and giveth thee a sign or wonder, And the sign or the wonder come to pass, whereof he spake unto thee, saying, Let us go after other gods, which thou hast not known, and let us serve them; Thou shalt not hearken unto the words of that prophet, or that dreamer of dreams." (Deut. 12, 32; 13, 1—3.)

Even such an authority, the authority of evident miracles, has no power to abolish an established law or to interpret it high-handedly against logic and exegesis. Maimonides explains this in the following words: "Because the eye of the spirit that penetrates the law is keener than the deceptive eye of the flesh which sees the miracles."

Therefore the Talmudists, according to the judgment of the Bible in Ex. 23, 2, look upon the decision by majority vote as a fundamental axiom which must not be overthrown either by miracles, or by authorities.

If one wishes to have a clear conception of the ecclesiastical organization of Talmudic Judaism at the time when the Talmudic literature took birth, one must have a clear conception of a constitutional or parliamentary theocracy.

The fundamental law, the constitution, is the Bible, the indisputable, only authoritative, divine code of laws. No new law, no new provision had validity, if a contradiction, an offence against the text of the fundamental law appeared in it. No authority dares break through the fundamental law to which all ecclesiastical power has to submit.

The inviolability of the fundamental law holds above as well as below, i. e. Judaism accepts dogmatically the conviction, which is expressed in the 9th article of the Creed, that even God himself whose will is unchangeable, according to his own promise, will not change the Torah, nay, not even correct it.

Now, if a prophet arises, whose divine mission is borne out by patent miracles, with the pretension to annul part of the law, or to create a new one, then he betrays himself by this alone as a false prophet.

God cannot possibly trust with a mission anybody who would violate the fundamental law.

These commandments (are valid), for to no prophet is it given to create a new one. *Sabbath* 104a; *Yoma* 80a; *Megilla* 3a, and others.

If the point in question is not a new law, but an authentic interpretation of the old one, the Bible, and a man appears, equipped with the evidence, not of logic and exegesis, but of a higher, a divine mission, confirmed by miraculous signs, then the principle of *Baba Metsia* 59b holds good: The Torah is no longer in heaven, i. e., the true explanation of the word of God is not a matter of divine, but of earthly powers, and cannot be explained by miracles, but by logic and exegesis.

And just as, in modern times, when there is a divergence of opinion among secular law-givers, the parties in legislative meetings, having before them the absolute welfare of the State as an ideal aim, do not deny to the minority pure-minded patriotism, so also, in those colleges where the conflict of opinions devoted itself to the task of ascertaining the ideal aims of the divine law, it was a pious custom to acknowledge that the intentions of the defeated party also were pure and lofty, their ideas and aims not antagonistic to the spirit of God. It was never denied that the adherents of the minority also gave expression to a true conviction inspired by pure devotion.

And now for the texts on which Rohling builds his absurd assertions.

Rabbi Aba said in the name of Samuel: For three years the schools of Shamai and of Hillel argued with one another. The former school said: The legal practice agrees with our teaching, and the latter school said: The legal practice agrees with our teaching. Thereupon a (divine) voice was heard: Both (opinions) are words of the living God, but the practice agrees with the school of Hillel. *Erubin* 13b; N. and W. 286.

The same passage is to be found in the Jerusalem Talmud *Berachoth* 1, 6; *Yebamoth* 1, 6; *Sota* 3, 4; *Kiddushin* 1, 1. But if Rohling adds: "This means, quite frankly, Since everything is the word of God, practise what thine heart desires, according as the execution is possible", this is a deliberate falsehood, for every passage has the addition: "The practice conforms to words of the school of Hillel." Only the pious intention of the teacher is acknowledged. If two judges argue about some theory, each refers to a passage of the law, both of which emanate



from the same lawgiver, both of which are valid; what they both urge, the words of both are words of the lawgiver, but only one interpretation can be accepted by practice.

The second reference of Rohling is to *Chagiga* 3b (Nöldeke and Wünsche 287).

It says in Eccles. 12, 11) "masters of assemblies", these are the disciples of the wise (learned) men who sit in meetings and occupy themselves with the Torah; these declare (something) to be unclean, those declare the same to be clean; these prohibit, and those permit; these declare something unfit for use, those fit for use; thus a man might perhaps say: How am I to study the Torah? (i.e. find out the true sense of the words of the Torah, from which some draw one conclusion, some another diametrically opposed to the first).

Therefore it says (ibid.) "which are given from one shepherd", i.e., one God has given them, one steward (Moses) has promulgated them from the mouth of the Lord of all works, praised be he! For it says (in Exod. 20, 1) "And God spake all these words" (all the provisions of the oral traditions were at that time revealed to Moses by God). Open thy ears like a mill-hopper (i.e. pay attention), and acquire a discerning mind in order to hear the words of those who declare a thing to be clean, and of those who declare it to be unclean, the words of those who prohibit, and of those who permit, the words of those who declare a thing unfit for use and of those who declare it fit for use. Essentially the same *Tosephta Sota* 7, ed. Zuckerman *et al.* p. 307.

Nöldeke and Wünsche add (287):

The meaning is: Bear also in mind the controversies, and try to understand their reasons. Absolutely wrong is Professor Rohling's explanation: "This means, quite frankly, Since everything is the word of God, practise what thy heart desires, according as the execution is possible". It is the invariable principle in controversies that, for purposes of practice, only one opinion is received.

Menachem on Exod. 20, 1, f. 98, par. 31, quoted in the *Talmudic Jew*, p. 38, refers solely to the latter passage. It would be a very bad teacher of the law who would hold forth to his auditory only the prevalent practice and pass in silence the different opinions of eminent jurists. The New Testament also contains contradictory sayings. In Matth. 5, 44, it says: "Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you." And in Paul, 2nd letter to Timothy 4, 14: "Alexander the coppersmith did me much evil: the Lord reward him



according to his works." These two sayings also can be harmonized only by an explanation.

Rohling's *Talmudic Jew* p. 38 says: "If the rabbi tells thee, thy right hand is thy left one and the left one the right one, thou shalt not deviate from his word". And for this he quotes Rashi on Deut. 17, 11. The passage is correctly rendered with the exception that in Rashi it does not say "the rabbi", but "he". Deut. 16, 18- 20 enumerates the ordinances for establishing single courts, i. e. three-men-courts in all the towns of Palestine. Chapter 17, 8- 12 tells of the establishment of the Supreme Court as the highest Court of Appeal from which no further appeal was possible.

The Bible says: Thou shalt not decline from the sentence which they shall show thee, to the right hand nor to the left. (Deut. 17, 11.)

On this sentence of the Bible, Rashi comments.

Nöldeke and Wünsche observe:

"But his sources (*Sifre* on Deut. 17, 11; *Yalkut* on the same passage) use the plural, and besides, the context makes it evident that the whole refers to the law court."

The attribute of the highest judicial authority lies in the very nature of the Supreme Court, whose erroneous judgments can no longer be corrected by way of appeal and therefore must be respected. This sort of "infallibility" belongs to the members of all supreme courts. That the Jews, however, did not think the Supreme Court infallible nor its rulings on a level with the law is evident from the many provisions anent wrong judgments of the Supreme Court. If a decision of the Jerusalem Senate offended against the words of Holy Writ the ruling was void unless it referred to the almanac of festivals. Thus *Rosh Hashana* 25a mentions an erroneous decision, viz. an appointment of the Day of Atonement by the President of the Senate, Rabbi Gamaliel. The ruling was respected because Holy Writ itself gives the Supreme Court great authority in such a case; but the Talmud does not hesitate to state the error.

In other cases everybody is guilty who respects a decision of the Supreme Court offending against Holy Writ.

If the Supreme Court has committed an error of judgment and the community or the majority of the community is guided by it, the members of the Supreme Court sacrifice a bullock as a sin offering.

If the law court of an Israelite tribe has committed an error of judgment, this tribe owes a sin offering. These are the words of Rabbi Judah; but the wise ones say: The sin offering is only due after an error of judgment on the part of the Supreme Court. *Mishna Horayoth* 1, 5.

If the law court has committed an error of judgment and a single person goes astray by its ruling, whether the judges also acted in the same or he alone did so, the single person is free of guilt because he acted up to the ruling of the law court. If the law court has decided, and one of them or a scholar who is able to decide for himself knows that they have erred, and he acts by their decision he owes a sin offering. *Horayoth* 1, 1; N. and W. 289.

If an anointed High Priest has erroneously settled a point of religious law against Holy Writ and has acted by mistake in accordance with it, he owes a sin offering; if he ruled deliberately and acted by mistake or he ruled by mistake and acted deliberately, he is exempt from the sin offering (because he has exposed himself to the punishment of God). The ruling of the High Priest for his own action is equal to the ruling of the Supreme Court for the community. *Horayoth* 2, 1.

From this we gather

1) that the attribute of "infallibility" is due neither to the anointed High Priest nor to the judgments of the Supreme Court or to its members;

2) that ruling by the High Priest or the Supreme Court are circumscribed by Holy Writ; any offence against the word of Scripture cancels all rulings. For rulings in penal trials, which lay exclusively within the competence of the Supreme Court, the liability to error was taken into account.

When a man goes from the Supreme Court who has been sentenced to death and somebody appears ready to bring forward matter to exculpate him proceedings must be resumed; but in case of an acquittal the proceedings must not be resumed. *Sanhedrin* 33b.

The same may be read in Maimonides, *Yad Chazaka, Sanhedrin* 10, 9 and 13, 1 where a convict on his way to the place of execution is given the possibility of having the proceedings resumed.

What are the doctrines of the Christian moralists on the point in question?

Petrus Alagona (1549—1624) teaches:

At the commandment of God, one may kill innocent people, steal, commit whoredom, for he is the Lord, and it is incumbent upon us to do his bidding. *S. Thomae Aquinatis Summae Theologiae Compendium*. Lutetiae. 1620, page 244.

But who is competent to transmit such special commandments of God? The natural mediator between God and man, that is, the priest, and it is a duty to do his bidding. Here we have the theory which Rohling lays at the door of the Rabbis.

In "*The Talmudic Jew*", page 38 we read: Maimonides (died 1204), the "Eagle of the Synagogue", says, "The awe of the Rabbi is the fear of God". And he goes on to say: "The Talmud itself teaches generally in the same strain as the later Rabbis, 'He who contradicts his Rabbi or teacher, quarrels with him, murmurs against him, does the same as if he contradicted the Divine Majesty, quarrelled with it, murmured against it.'" Rohling quotes as his authority Maimonides, *Mishne Torah*, *Talmud Torah* 5 1 and *Sanhedrin* 10 (evidently a clerical error or a misprint, as we find nothing of the sort in *Sanhedrin* 10; it should be 110a. N. and W. 291). In neither of these passages is there a word about "Rabbis"; they speak of "teachers", and only reverence for teachers is inculcated (N. and W. 290).

Rabbi Chisda said, He who contradicts his teacher is like one who contradicts the Shechina (i. e., the Glory of God).

Rabbi Chana, the son of Chanina, said, He who quarrels (openly) with his teacher is like one who quarrels with the Shechina . . .

Rabbi Chanina, the son of Papa, said, He who murmurs against his teacher is like one who murmurs against the Shechina.

Rabbi Abuhe said, He who has evil thoughts about his teacher is like one who has evil thoughts about the Shechina. *Sanhedrin* 110a; N. and W. 291.

Just as it is incumbent on man to honour and fear his father, it is incumbent on him to honour and fear his teacher even more than his father; for his father brings him into the life of this world, but his teacher who teaches him wisdom brings him into the life of the world to come (into the eternal bliss). Maimonides, *Mishne Torah*, *Hilchot Talmud Torah* V, 1. (This is an old saying. *Sifre* on Deut. 6, 5; N. and W. 290.)

How different from this are the popular views of the Aryan nations! The reverence for the teacher was unknown to the "classic" nations. Teaching was a miserable drudgery, the

teacher a man held in contempt. He generally was on a par with hirelings; teachers, pedagogues, doorkeepers and sailors are on a level in Plutarch. Lucian makes the obnoxious kings in Hades beggars or schoolmasters. Mentor Lydus, in a play of Plautus, laments: "If one touches the boy who is scarcely seven years old with one's hand he at once takes up his slate and bruises the skull of his mentor. If the poor wretch complains about it to the master, the father says to the boy: 'That is right, my son, always stand up against insults'. To the pedagogue he says, 'I say, thou worthless old man, do not you touch the boy on account of this! He has done bravely'. Then if the skull of the mentor has been patched like a lantern with cerecloth, the litigants part satisfied."

Diogenes of Sinope once gave a tutor, whose pupil was swallowing sweets, a smart box on the ear.

The want of respect for the "schoolmaster" is Aryan tradition, and it is manifested in our times by "national" student baitings and manifestations in the lecture rooms of the universities against professors who take the liberty of having political opinions of their own. Such want of awe of one's own teachers is staggering to the Jew. To us the teacher is sacrosanct, supreme. Moses belongs to the most prominent figures of the history of mankind. He delivered his people from bondage, and brought it to the threshold of a country of its own; he fought fierce battles with opposing peoples; he carried the day in a number of fights; he was one of the bravest warriors, one of the most eminent statesmen and law-givers. Notwithstanding this, Judaism does not praise him as hero, as captain, as deliverer; it does not call him "deliverer", "law-giver", but it confers upon him the highest honour by calling him ever *Moshe rabbenu*, "our teacher Moses". Such was the appraisal of the teacher amongst the Jews. If father and teacher fall into captivity at the same time it was a legal duty to ransom the teacher first, and then the father (*Baba Metsia* 33a).

Teacher and pupil were "father and son" to each other (*Midrash Rabba* Lev. 11; *Sifre* on Deut. 5, 11; 11, 19) in order to give expression to the filial relation between them. On the other hand, the teacher had to regard the honour of his pupils as his own



(*Pirke Aboth* 4, 15) and not to admit a discrimination between rich and poor children (*Taanith* 24a).

When Rabbi Meir was asked whom in future life he would redeem first, the father or the teacher, he replied, The teacher. But this teacher was — the arch heretic and apostate Elisha ben Abuya, called "Acher".

Rabbi Eleazar, the son of Shammua, says: Let the honour of thy pupil be as dear to thee as thine own, and the honour of thy associates (colleagues) be to thee as the awe of thy teacher, and the awe of thy teacher be to thee as the fear of heaven (i. e., of God). *Pirke Aboth* IV, 15; N. and W. 292.

Rohling turns the teacher into a rabbi, but the status of the rabbi in Judaism is not at all like that of the priest within the Catholic Church. What the pretensions of the Catholic priest in this direction were, and what value he attached to himself is recorded in Church documents.

## II. Deification of Priests.

The Council of Macon of the year 585 ordains (Canon 15. Mansi IX, 956) that the laymen must offer the highest reverence to the clergyman: "If these two meet on horseback, the layman should take off his hat, and salute the clergyman sincerely. Should the layman be on horseback and the clergyman on foot, the layman should at once alight and give him due honour. He who offends against this ordinance which is inspired by the Holy Ghost (*spiritu sancto dictante*) is to be excommunicated by the Bishop for as long as he sees fit."

In the issue of June 1913 of the Catholic "Messenger of the Parish of Ars on Maine" we read:

The honorable pastor of Ars made the following statement on the priestly calling:

Go and confess to the Holy Mother of God, or to an angel! Can they absolve thee? Do they give thee the body and the blood of Christ? Not they! The Most Blessed Virgin cannot order her divine Son to transubstantiate himself into the Host. And if thou hadst a legion of angels near thee they could not give thee absolution! But a priest, may he be ever so poor and weak, he can absolve thee! He may say unto thee, Go in peace, thy sins are forgiven. What power is the



priest's! Not before thou art in heaven wilt thou grasp it completely; if thou didst realize it fully on earth thou wouldst die and that not out of fear and fright, but out of gratitude and love. What profit thee all the benefits of God without the priest? Without the priest the death and the sufferings of Christ would be in vain . . . Next to God, the priest is everything. He is the instrument of God, God sanctifies man through the priest, and without the priest nobody can sanctify himself!

The formula of abjuration of the Saxon Elector Augustus the Strong, who from a Protestant became a Catholic in order to become King of Poland, signed by Christian Augustus, Bishop of Raab, on the 2nd of July of the year 1697 (manuscript kept in the library of Berlin) contains the following item (VIII.):

I believe that a priest is much greater than the Mother of God, Maria, herself, who bore the Lord once and no more, but a Roman priest not only sacrifices or produces the Lord Christ at his pleasure, but ever at his will, as he produces him he also removes him.

In this respect Rohling and Justus with their denunciations were at least ill-advised.

Finally Rohling quotes a Talmudic saying with the words:

"The words of the Talmudic scribes are sweeter than those of the Law." But there were no scribes of the Talmud! Soferim are the oldest transmitters of oral tradition, men of highest authority. If Holy Writ says, "An eye for an eye"; in their interpretation the words mean a fine in proportion to the inflicted injury. Or if it says in Holy Writ, "You must not light a fire on Sabbath", they made the festive illumination on the evening of the Sabbath a religious duty. And if it was impressed, "Keep watch over the words of the doctors much more than over the words of the Torah", the reason is plain. The Bible was written and in the hands of everybody; the knowledge of tradition was a rare possession. And the loss through weakness of memory was irreparable and grave. The Rabbinical Law is, besides, a hedge round the Torah, and this hedge ought not to be broken down, for it is the safest protection for the Torah.

Franz Delitzsch rightly draws attention to the fact that according to the Jewish view it is a slight to the Torah if a book of the Prophets or the Hagiographers, not to mention a volume of the Mishna or of the Talmud, is placed on top of it. In the Holy Ark of the

Temple only the Torah is kept, but not the Mishna and the Talmud. With regard to the writing of Torah scrolls quite a number of ordinances and provisions aim at the sanctity and purity of the scribe. To give similar care to the Mishna and the Talmud has not occurred to any sensible Jew. The study of the Bible, from which the young Jewish generation receives lessons in religion, is to the present day a religious duty for every Jew; not so the study of the Talmud.

The 7th article of faith of Judaism is: "I firmly believe that Moses was the chief of the Prophets." The eighth article of faith is, "I firmly believe that our Torah is the same that hath been given unto Moses". Of the Talmud and the Mishna, of the Rabbis and of the "infallibility" of tradition and of oral doctrine (instruction) there is not a single word to be found in all the thirteen articles of faith. The Talmud contains explanations and interpretations of the Bible, of the Biblical law. If the Talmud were a divine book this would, in some degree, reveal itself in the thirteen articles of faith.

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## CHAPTER XVI.

### JEWISH HEROISM

In the anti-Semitic pamphlets of recent date a passage of the Talmud, *Pesachim* 113a, is frequently quoted. It contains a popular sarcastic proverb from Jerusalem in the time of Jewish independence. The passage runs as follows:

Going to the war do not lead, but be of the last, so that in coming back thou mayst be first.

To defend the Jews of the then time against the obloquy of cowardice is rather superfluous. The story of the Maccabeans, the heroic battles against the Roman world power during the last rising, the fight of Bar Kochba, are glorious examples of heroism of a tiny minority fighting against terrible odds. Tacitus and Dio Cassius admiringly narrate the fights of the Jews in defending their country. The Romans said: If thy exhibit such valour in adversity, what would they be if smiled upon by Fortune! After suppressing all these risings which had been carried on with the utmost vigour of patriotic despair, the Emperor Hadrian decreed that no Jews were to be allowed to live in Judaea nor anywhere else in great numbers together. For three years, the Roman galleys uninterruptedly conveyed the stricken Jews into almost all the Roman colonies, to Greece, to the north of Africa, to Mauritania, Gaul, Brittany.

Hegel, in his *Life of Jesus* says of the Jews:

After having done everything that highly inspired courage can perform, after having borne the most appalling human misery, they buried themselves and their commonwealth under the ruins of their city, and will stand out in history, in the opinion of the nations, by the side of Carthaginians and Saguntinians, as greater than the Greeks and the Romans whose cities survived their commonwealth.

Schlosser, in his *History of the World for the German People*, writes:

The inhabitants of certain fortified places defended their city with the same heroism as the Saguntinians in the second Punic War or as the citizens of Saragossa in recent times. At the siege and conquest of Jotapat, for instance, which was defended by Josephus, no less than 40,000 Jews lost their lives, and only 1200 went into Roman captivity . . . Nevertheless the Jews defended their city with a heroism the like of which few other nations displayed at their fall. Even the Romans who were not, like us, biased by any regard for Christianity and its fortunes in appraising their struggles, considered the defense of Jerusalem equal to the fights of the Carthaginians and Numantiniens. The fanaticism of the besieged and their pertinacity which was favoured by the position of the city exceeded all belief; offers of the Roman captain who wanted to spare the lives of the inhabitants were rejected; he had to take one fortified hill after another by assault, and at last he had to take the various spaces of the Temple singly . . . Even after the conquest and the burning of the Temple, the Jews still did not yield. The majority of them retreated into the so-called lower city, and when, at last, this too was taken and destroyed by fire, the remainder of the people defended the upper city and their single forts.<sup>1</sup>

How often Carlyle, the great English thinker and moralist, repeats the words, "The divine heroism of the old Roman and old Hebrew times". He appreciates not only the determined valour of both nations in extraordinary circumstances and their ardor in sudden outbreaks, but also the sustained fire, the unconquerable constancy which, as firm self-consciousness, had taken possession of their souls.

But the ancient Jews were superior to the Romans in that their extraordinary warlike virtue never lured them into aggres-

(1) From the 5th century B. C. to the time of Julius Caesar, Jewish mercenaries were recruited in Egypt. Only a few decades ago, records of a Jewish garrison settlement were unearthed. Onias and Desitheus, two reputed generals of King Ptolemy, were Jews. — To quote an instance of a later time. Read the report of the historian Procopius of Caesarea (secretary to Belisarius) in his historical work "De Bello Gotico" about the bravery and the heroism of the Jews of Naples at the defense of the town against the assault of Belisarius; the flank of the sea was defended only by them and that with such heroism that Belisarius had to give up the hope of taking the town from this side; that is why he had to direct the attacks from another. The enemies who burst in had to slay the Jews.

siveness so as to become a danger to the neighbouring countries. The Jewish hero was not a conqueror who threatened his neighbours.

To defend the native country, to remain true to it notwithstanding all dangers, and, after it had been lost, to long for it with heart and soul — that was the fundamental trait of the Jewish spirit.

With all that, the courage of the mediaeval Jew seems to me greater, more sublime. Of course, under the stress of the stupendous change of circumstances he had to modify himself. The common determination of a people, the heroic courage of an army when the danger of the individual vanishes in the sense of the common cause and power, when the fever of mass-enthusiasm seizes everybody and fills him with intoxicated fervor, this, surely, is an inferior degree of courage to that of the hunted individual, at bay against a whole world of enemies defending the treasures of his soul. Right through the Middle Ages moves the silent, mournful procession of those numberless Jewish martyrs, all those which were burnt on the stake on the Tagus, on the Rhine, on the Danube, and on the banks of the Vistula, or cut to pieces in the torture-chamber, because they adhered to their faith to their last breath. But even the self-sacrifice of the Jewish martyrs pales before that determination which informed the persecuted Jew in trusting himself to the storms of unknown oceans and in wandering about among barbarous nations who were full of blood-thirsty passions and hate-ridden prejudices in order to make his poor individual existence possible — the most terrible, because conscious, incarnation of heroism the world has ever seen. To live at all times in the consciousness of danger, always to confront it, always to tremble for their dear ones, to be looked upon as "strangers" in the midst of a thousand enemies — really, all the legends of the saints do not compare with this heroism.

This courage the Jews proved even under the reign of terror of the French Revolution. When, namely, after the abolition of all cults by the Convention the religion of Reason was established, when priests and laymen took a lively interest in the foolery of the misled spirit of mankind, the Jews had the courage and the



"cowardice" to stand by their faith. Thus, for instance, the Jews of Nancy ignored a circular which Bigerot, the officier municipal addressed to them, "aux republicains et philosophes de la ci-devant religion Juive" and in which he challenges them to forswear their old superstition, to surrender the Holy Scriptures and the costly ornaments. They offered brave resistance, and remained true to the hereditary faith.

A Madam Hamabard of Metz took example by this, and celebrated Passover at the time of the Reign of Terror, making "mazzoth"; to the Proconsul of the town she explained that this custom was so dear to her heart because it reminded her of liberty!

Herr Dinter, however, has the hardihood to write:

But to resist hopelessly for the sake of honour and conscience to the death, that, surely, is not the Jewish way. *The Sin against the Blood*, p. 170.

To study the history of other nations, the Pan-Germans think *infra dig*. The first in the history of mankind willingly and cheerfully to suffer the martyr-death for an idea were the Jews when they rose up in arms against the Syrian Antiochus. The Greeks saw it, and smiled at the foolhardy dreamers, the Romans were astonished at this wondrous report from the East, and waited in suspense for the issue of this unequal conflict.

And the historian Lecky in his *Rise and Influence of Rationalism*, writes of the Jews in the Middle Ages (II, 367):

Certainly the heroism of the defenders of every other creed fades into insignificance before this martyr people, who for thirteen centuries confronted all the evils that the fiercest fanaticism could devise, enduring obloquy and spoliation and the violation of the dearest ties, and the infliction of the most hideous sufferings, rather than abandon their faith. For these were no ascetic monks dead to all the hopes and passions of life, but were men who appreciated intensely the worldly advantages they relinquished, and whose affections had become all the more lively on account of the narrow circle in which they were confined. Enthusiasm and the strange phenomena of ecstasy, which have exercised so large an influence in the history of persecution, which have nerved so many martyrs with superhuman courage, and have deadened or destroyed the anguish of so many fearful tortures, were here almost unknown. Persecution came to the Jewish nation in its most

horrible forms, yet surrounded by every circumstance of petty annoyance that could destroy its grandeur, and it continued for centuries their abiding portion. But above all this the genius of that wonderful people rose supreme. While those around them were grovelling in the darkness of besotted ignorance; while juggling miracles and lying relics were the themes on which almost all Europe was expatiating; while the intellect of Christendom, enthralled by countless superstitions, had sunk into a deathly torpor, in which all love of enquiry and all search for truth were abandoned, the Jews were still pursuing the path of knowledge, amassing learning, and stimulating progress with the same unflinching constancy that they manifested in their faith. They were the most skilful physicians, the ablest financiers, and among the most profound philosophers; while they were only second to the Moors in the cultivation of natural science. They were also the chief interpreters to Western Europe of Arabian learning.

On the 24th of October of the year 1492, 25 Jewish men and two Jewish women were burnt alive before the town-gates of Sternberg in Mecklenburg for having (as was alleged) desecrated a Host by pricking it "till blood oozed from it". Before the execution, they were advised to be baptized so that they could at least escape the dreadful death in the flames. A Christian contemporary, eye- and ear-witness of the proceedings, relates: "Duke Magnus accosted one of the Jews, named Aron, to whom he gave credit for more sense than the others, 'Why do you not adopt our faith in order to enjoy with us by baptism the same eternal bliss?'" Aron replied, sophistically hairsplitting: "Noble prince, I believe in God who knows everything and who created everything, in him whom our father Abraham and his son Isaac and other forefathers who did not desert our faith commanded us to worship. I believe he made me a man and a Jew. If he had wanted me to be a Christian he would not have turned me to his holy faith. If he had willed it I might have been a prince like you." The Christian who tells this story adds: "But all of them went to their death with firm courage, without resisting or tears, and breathed their last singing old holy songs."

Another story.

On the day of the New-Year festival of the year 1659, the synagogue of Rozany (in Lithuania), which was filled to overflowing with worshipers, was taken by storm by the Christian po-

pulation. For two years a trumped-up ritual murder case had been pending against the Jews whom the Polish landowner again and again tried to protect against the rage of the mob. But now the people could not be kept within bounds any longer (in that time the superstition of ritual murder was fierce and many were butchered as its victims), and demanded that the Jews assembled at their worship should deliver the culprits, failing which they would all be slaughtered. As there were, of course, no culprits, the community decided to cast lots; those who drew the lot were to be delivered as alleged culprits. Then two of the oldest and most respectable members of the community, Rabbi Israel and Rabbi Tobia, rose and declared their willingness to die for the community. On the following day, they were delivered to the police, and a week afterwards, on Yom Kippur, they were burnt alive in the market-place. The son of Rabbi Israel wrote an elegy on this event which is sung to this day on every Yom Kippur in the Sakheim Synagogue in Rozany. See the official records of the Jewish Meetings published by M. Balaban, *The Jews in Poland during the Cossack Wars (1648—1660)*. *Öst. Wochenschrift* 1915, Nr. 23; *Ost und West* 1916, Nrs. 8 and 9.

Through all these hundreds of years, the history of the Jews is illumined by the glory of their heroes or their martyrs — the great centuries of their national independence more by the blood-red halo of the heroes, the endless night of their dispersion more by the whiter glory of their martyrs.

Through all the centuries, it required the strongest heroism to be a Jew, for only heroes could dare to defy a world of cruel, bloodthirsty agitators. The name of Jew is synonymous with spiritual heroism, because, for a thousand years, he resisted and fought victoriously and successfully against spiritual tyranny.

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## CHAPTER XVII.

### THE CAMPAIGN AGAINST THE BIBLE.

#### I. The Bible and the Nations.

Thomas Huxley, the English scientist, writes about the Bible and its importance for popular education:

It appears to me that if there is anybody more objectionable than the orthodox Bibliolater it is the heterodox Philistine, who can discover in a literature which, in some respects, has no superior, nothing but a subject of scoffing and an occasion for the display of his conceited ignorance of the debt he owes to former generations.

Twenty-two years ago I pleaded for the use of the Bible as an instrument of popular education, and I venture to repeat what I then said:

"Consider the great historical fact that, for three centuries, this book has been woven into the life of all that is best and noblest in English history; that it has become the national Epic of Britain and is as familiar to gentle and simple, from John a' Groat's House to Land's End, as Dante and Tasso once were to the Italians; that it is written in the noblest and purest English and abounds in exquisite beauties of mere literary form; and, finally, that it forbids the veriest hind, who never left his village, to be ignorant of the existence of other countries and other civilisations and of a great past, stretching back to the furthest limits of the oldest nations in the world . . . *Coll. Essays* V, 55/6.

So speaks the Briton! But the "Pan-German" must not be reminded that, without the Bible, there would be no German unity and no German empire. For, without the Bible, there would have been no unified German language, and as for the sounds which the modern German nationalists would stammer, is a matter of conjecture.

To the German Nationalist it is a grievance and an unpardonable offence that, through Luther's translation of the Bible, Jewish genius was decanted into the German language, and it is a thorn in his flesh that the works of German poets, in par-

ticular those of the national poet Friedrich Schiller, should abound with echoes and reminiscences, idioms and metaphors borrowed from the Hebrew Bible.

And he does not want at all to be reminded of the fact that the oldest German book (the translation of the Bible by Ulfilas) and the oldest German prayer (the so-called Wessobrunn prayer, consisting of verses from Genesis) are of Jewish origin.<sup>1</sup>

Whereas, in former centuries, the nations made sanguinary wars upon each other for the sake of the correct explanation and conception of a saying of the Bible, we are witnessing at the present day an assault on the Bible itself, on the book of books.

The fugleman in this strange and uncouth fight about God is the German assyriologist Professor Friedrich Delitzsch.

It is more than twenty years ago that he made his first advance in this direction. His lectures "Bible and Babel" which were impressive much more for their daring than for the merits of ideas created a sensation because of the staging, the unusual audience, and the presence of the German emperor who took part in the debate. The hypotheses put forward as new revelations were emphatically repudiated by the experts of all countries, but were applauded by William II., in a letter subsequently made public, which contained the words hailed joyously by Bible- and Jew-haters — "That thereby the Chosen People loses some of its aura, is no great loss".

And Professor Delitzsch did not omit, in his latest libel, "The Great Delusion", to remind sceptical readers who might mark his feeble arguments with a sign of interrogation, that to treat the Old Testament as holy scripture is only too apt to "increase the excessive conceit of Jewry about its alleged world-historic mission".

## II. Influence of the Bible on the National Struggles for Civilization and Freedom.

That William II. was not very fond of the old Bible is not difficult to understand. He had once been informed confiden-

(1) The author of the Flag Song of the German Marine is also a Jew: Norbert Lindner, born 1824, died on the 16th of December 1886.



tially that the slogan of the French Revolution "Liberty, Equality, and Fraternity" was taken from the Jewish Bible.

As a matter of fact, the first chapters of the first book of Moses announce the common descent of all mankind from a single pair of parents; thus all sons of Adam are, by virtue of their birth, bound to treat each other on the footing of equality and brotherhood.

How foreign this conception was to the "classic" nations is witnessed by the bewildering effect which the Apostle Paul produced when he, as is told in Acts 17, pronounced in the forum of Athens the existence of a sole and only creator of the world that "hath made of one blood all nations of men for to dwell on all the face of the earth" (*ibid.* 24—26).

Ferdinand Gregorovius once wrote the memorable words:

The Mosaic Genesis launched the highest metaphysical conception of man, namely that he is the image of God or the son of God. All the human beings, therefore, according to the Jewish creation myth, partake of this likeness, and therefrom results the acknowledgment of the human dignity in general, as well as the equality and brotherhood of all the descendants of Adam.

Only a Hebrew Prophet could utter the words, "I will pour out my spirit also upon the servants and upon the handmaids" (Joel 3, 2).

Aristotle, on the contrary, was the earliest advocate of slavery.

As Genesis proclaims the lesson of equality and brotherhood, Exodus is the great epic of National Freedom.

Charles Kingsley, a disciple of Carlyle, a man of exuberant eloquence when it was necessary to inspire the cultured and uncultured with stormy enthusiasm or crush his assailants with berserk-rage described the importance of the Bible for the people in several essays.

Now I assert, and if no other human being in England agreed with me, I would assert it still, that the Bible throughout is the history of the People's cause. That from beginning to end it preaches in the name of God, freedom, equality, and brotherhood; enlightenment and civilization. That from beginning to end it curses in the name of God all priestcraft, tyranny, superstition, and wilful ignorance whatsoever. I say that the Bible is the history of God's gradually raising mankind from the state of savages, and teaching them step by step to be full men,

citizens and brothers. I say that the Bible has helped to teach you, without your being aware of it, that you know about the People's cause; that if it had not been for the influence on the human mind which the Bible has had, especially for the last eighteen hundred fifty years, you would know no more of a People's cause than the Hottentots do, and care no more for it, and have gained no more of it. You may laugh — but, honestly, my friends, I believe I know a little more of history than many of you, and I believe I am a better judge on this point than you are just now. I do not set up to be infallible: I may be very wrong on many points, and you may be able to set me right; but on this point I know I am right. I know that I have not put this doctrine into the Bible, but found it there. I did not turn Radical or Socialist first, and then go, as a second thought, to the Bible, that I might pick out and twist texts to justify my new notions: The Bible made me a Radical and a Socialist. Before I learned to love and appreciate my Bible, I cared not a jot for the People, or the People's cause: the Bible first taught me that from the beginning men had had a Father who loved the People, a King who was labouring to deliver the people, and will labour till he has put down all authority and power, and put all his enemies and yours, beneath His feet. And that news and the news that to that king, that Father, I owed life and all that makes life not hell — that made me a Radical and a Socialist...

Allow me, then, a fair bearing, while I try to do this for you, and, in a short series of letters, point out to you what I believe to be the general idea of Bible with regard to national and social life. I will begin with the Exodus, the well-known story of the deliverance of the Israelites out of Egypt;.... because the Exodus is the first account which we have of the enfranchisement of the masses of any race, and their organization into a regular nation. With the Exodus, in fact, the politics of the Bible, and its social schemes may be said to commence.

*(The Christian Socialist — Nov. 9, 1850. Bible Politics: or God justified to the People. By Parson Lot. No. I.)*

My Friends, — What is the story of the book of Exodus in a general form? We find, at its opening, the Hebrews existing as a large slave population, who had gradually fallen into a state of great physical and moral debasement, under the tyranny of the Egyptian nation and its kings. These masters of theirs are represented as superior to them in numbers, arts, arms, cunning, priestcraft, and all which makes up the strength of tyrants. They "keep down population", by the simple and straightforward method of throwing the Hebrew children into the Nile; they make the parents' lives bitter with forced labour, blows, and wanton insults. The story is well-known enough — the old tragedy, acted over even now in the Southern States of "Free" America — to end

there too, surely, with its Exodus, and deliverance of the People by the Father of the People (*ibid.* Nov. 23).

Kingsley, then, goes on to portray, with all his artistry, Moses, the great deliverer, his fight against tyrannical arrogance and stubbornness, against priestly cunning and brutal force, the final catastrophe on the Red Sea, and concludes by saying —

... True or false — is the idea of that tale, one which should cheer the oppressor, or the oppressed?

... Some of you glory in the French Revolution — and so do I. But to accept that as a divine and noble step in man's progress, and to laugh the Exodus to scorn; — Is not that somewhat like straining at a gnat and swallowing a camel?

Thomas Huxley writes in the same sense (*Coll. Essays* V, 55):

I may add yet another claim of the Bible to the respect and the attention of a democratic age. Throughout the history of the western world, the Scriptures, Jewish and Christian, have been the instigators of revolt against the worst forms of clerical and political despotism. The Bible has been the Magna Charta of the poor and of the oppressed; down to modern times, no state has had a constitution in which the interests of the people are so largely taken into account, in which the duties, so much more than the privileges, of rulers are insisted upon, as that drawn up for Israel in Deuteronomy and in Leviticus; nowhere is the fundamental truth that the welfare of the State depends on the uprightness of the citizen so strongly laid down. Assuredly, the Bible talks no trash about the rights of man; but it insists on the equality of duties, on the liberty to bring about that righteousness which is somewhat different from struggling for "rights"; on the fraternity of taking thought for one's neighbour as for one's self.

So far as such equality, liberty, and fraternity are included under the democratic principles which assume the same names, the Bible is the most democratic book in the world.

Henry George, in his speech to the workmen of Glasgow, praised the laws of Moses as the highest and finest achievements of the human mind. It was the spirit of the Bible, he said, which overthrew thrones and shattered priestly rule, which gave strength to the Scotch Covenanters and perseverance to the Puritans amidst the snow and ice of a strange country: it led, at Naseby, the people to the fight, it stood behind the low bulwarks of Bunker Hill.

Disraeli said that it was the sword of Gideon and the Lord

which won for England her liberties, and Lecky drew attention to the curious fact that the great majority of the first Protestant defenders of civil freedom drew their inspiration mainly from the Old, the defenders of despotism from the New Testament.

"The whole religion of the Jews," said Crémieux in the court martial of Oran, "rests on the hate of bondage, and on gratitude for the deliverer. The God of Israel tells them on every page of the Bible, I am the Lord your God who led you out of the land of Egypt, out of the house of bondage. And to the present day, after 4000 years, at the celebration of Passover, when round the festive table joy beams on all faces, the son turns to the head of the family and asks him the ingenuous set question: Why is this joy, this happy mood greater to-day than on all other days? And the father gives the suggestive, touching reply, My son, we were slaves in Egypt; to-day is the anniversary of the great day of our deliverance!"

In 1796, in a letter to the Abbé Sieyès in Paris, Kant wrote:

The Bible is the book the contents of which bear witness to its divine origin. It comprehends the story of Divine Providence from the beginning through all times until the great change of all created things, nay, until eternity. It alone contains universal history in a certain connectedness, although, in a sense, it deals merely with particular persons, families, nations . . . The Bible is my most precious treasure without which I should be miserable. Reliable rules of how human beings and whole states may arrive at every possible blessedness are to be found only in the Bible. Be guided by the directions of the Bible, and you will become citizens of a truly provident fatherland, and you will love not only the fatherland of your fellow-citizens, but also all the inhabitants of the earth you will love like brothers, and you will see your love required.

Goethe who in 1775 wished to translate the Song of Songs, wrote:

To the Bible almost exclusively am I indebted for my moral training; the events described, the teachings, the metaphors, the parables, all made a deep impression upon me." (Weise, *Ästhetik der deutschen Sprache*, 245).

In another place, he wrote:

Therefore, the Bible is an eternally efficacious book, because, as long as the world will last, nobody will stand forth and say, I grasp it as a whole and understand its particulars. But we modestly say, On the whole it is venerable, and in its particulars it is applicable.



From Fr. W. Foerster's *Doctrine of Youth. A Book for Parents, Teachers and Clergymen*, we should like to quote one passage, in order to show what one of the most modern men thinks who read our Bible with sympathy and understanding. Foerster writes on p. 112:

"For this very reason the Old Testament will never become obsolete, and for the sake of the educational value of its stories and ideas it is regrettable that, of late, attempts have been made on the part of historical research, in quest of the historical origin of their external constituents, to disparage the matchless intrinsic greatness of these products by obscuring and belittling the originality of their internal life. In the face of the arrogance of some investigators of the ancient Babylonian culture, we should like to ask how it came about that the Babylonian conception of God was handed down to us in broken pieces of quarry, and not as a creative and stirring whole?

"This happened because the monotheistic concept of God, although originating there in its external outlines, was not so grandly conceived nor so ardently experienced as in the Old Testament.

"For that very reason there is in the old lesson of the Bible as the revelation of God much more truth, than in that obliteration of all distinctions which we have before us in the interpretations of recent research. In the Old Testament 'the divine is present', because it was conceived by men of genius in the highest concentration of all the powers of will — and because this is the case, because God there is a burning fire, an intensification and a concentration of all vital powers, therefore a man who is not a crank feels in reading it that he has before him a product which, unparalleled in any other literature, is informed by that spirit of life which, according to the saying of Genesis, 'moved upon the face of the waters'.

"Read the Psalms 'Lord, thou art our refuge' (46, 2) or 'O God, Thou art my God; early will I seek Thee: my soul thirsteth for Thee' (63, 1) and the others — is not there an uplifting, a longing, a sorrow which ought never to have been mentioned in one breath with the Babylonian sense of God? We have a



notion that these powerful words ought to be written with letters of fire in the sky, that they ought to be read only when imagined as thus written — while the Babylonian words about God are best left where they were found in the waste of ruins, among stone fragments, without procreating life, where they may be read without stirring one's heart."

The philosopher Rudolf Eucken in his book, "The Place of the Bible in the Evolution of Mind" (Leipsic, Kröner, 1917) says:

To the Old Testament must be traced not only the deep stirrings of the spirit which are expressed in the Prophets and Psalms as in the book of Job and gave support to innumerable souls, but also the history of Israel, its struggles, trials, and victories, entranced and strengthened many when hard battles of vital importance had to be fought and when one had to take refuge from the wrongs of man in the word of God, staunchly confident that he would not suffer the just cause to be defeated . . .

The learned and ingenious Italian historian of literature and minister of public instruction, Francesco de Sanctis (died 1882) had a similar opinion of the Bible, especially of the book of Job. He said:

Not in the whole classic literature that is known to me have I found anything that could be compared in greatness with the Bible. I read the book to my fellow-pupils, and when I had finished they were all carried away. It was for us like a journey into an unknown country. We forgot our classic authors, and for months we talked only of the Bible. We were entranced by an uplifting and religious emotion. I am astonished that in our schools, where so much rubbish is read, no Biblical anthology is used which would surely serve to keep alive our religious, that is, our supreme moral sentiments.

Professor Gunkel praised the "admirable absence of bias" of the Biblical historians.

Everywhere in the East the historical traditions are in the service of the tyrants, but in Israel the historians do not bow to the kings. These strictly historical and poetical stories are superior to all modern products by their unaffectedness, simplicity, and artistic beauty. They are, therefore, especially suited to the instruction of children.

Dr. Goerland of Hamburg wrote for the October 1906 issue of the "German School", the scientific organ of the German society of teachers, an essay on a book "Luther and Kant". In this essay he says:

If there was anything that kept Christianity capable of reform, if there was anything which allowed non-ecclesiastical God-seekers to get pure morality out of Christianity, it was the Judaism in Christianity, as its good genius, the powerful moral rigour of the law (and the prophetic idealism), that imperishable bed-rock of the autonomy of human morality. This, a follower of Kant ought never to forget.

### III. Phantastic Wonder Tales:

The attacks of Delitzsch and his associates are levelled largely against the Biblical stories which do not accord with experience and the laws of nature. Delitzsch never tires of being revolted at the "phantastic wonder tales". The "phantastic wonder tales" in the Gospels have escaped his notice, although he does not seem disinclined to drop the Gospels, too.<sup>1</sup>

The wonder tales of the Old Testament are not at all essential to Judaism, and were variously explained even by pious theologians of the earliest times. Within the Jewish theology no vital importance is attributed to the Biblical wonders, and one of the authors of the Talmud ventured the saying, "Moses never ascended to heaven", and yet his soul suffered no hurt.

The declaration of the university professor Dr. G. Reinhold of Vienna, in his strictly Catholic work "The Old Belief and the New" applies to the New Testament only.

"This view of the possibility or impossibility of the miracle is, indeed, the pivotal point of the decision as to what the historical Jesus was and where unbelief and belief part. If the miracle is impossible, then the Gospels are an insipid farrago of incredible and impossible stories. Their authors, then, are ignorant

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(1) Otto Hauser who stands in the same line of battle as Fr. Delitzsch and proclaims "race" as the vital moment of civilization and genius of the nations, writes in his *History of Judaism*, p. 184:

"We have no right to divide the life of Jesus Christ, as it is represented in the four Gospels, into historical and mythical sections, and to exclude the latter because they are not "possible". No human being is born by a virgin . . . Nobody feeds five thousands men with two fishes and five loaves of bread. Nobody walks on the sea. Nobody actually dies and comes to life again; no human being ascends to heaven."

Hauser, therefore, (together with Drews and his associates) declares Jesus to be altogether a myth.

or insincere inventors of fabrications; Jesus himself is either a character who, while far superior to them, is nevertheless still engulfed in the prejudices of his time, or a phantastic dreamer who, not clear in his conception of himself, excited hopes which he could not fulfill; and the whole history of Christianity and, in particular, of the Roman-Catholic Church is built on delusion and error."

This reasoning is intelligible from the point of view of the Catholic belief which centres round the figure of the Son of God. Christianity is inseparable from the significance of Jesus. Judaism, on the other hand, never exalted any person to a central power as the only source of all blessedness; even Moses was to it a sinner, and his tomb is unknown so that nobody should be tempted to make it a shrine of worship. The Old Testament delineates great men, but with their human failings, the New is the Song of Songs of Man become God.

No one will quarrel with Delitzsch if he refuses to believe in miracles. There is, however, one miracle which even Delitzsch will not deny, for the simple reason that he is butting at it with all the rage of his maniacal nationalism. The greatest of all miracles, in the judgment of sober and sane historians, is the existence of the Jewish people.

Numerous nations of antiquity emerged out of night like mountain-tops gilded by the glow of early morn, and became again submerged, softly luminous in the afterglow of history. Israel alone still walks in the light of day, surviving after thousands of years, in defiance of his bloody-minded haters who without intermission are bent on his destruction. And is it not an eternal riddle that peoples of considerable number and energy, such as the Goths and the Huns, in spite of memorable warlike feats, disappeared as fast as they emerged, whereas the Jews, in defiance of the adverse changes in their external position, endure, and must we not look for the causes underlying this paradoxical phenomenon? How are we to account for it from the point of view of individual nations and of universal history?

Delitzsch would have us believe that it is only the particularistic and self-centred belief in God which has conserved the Jews

as a nation. As if the Goths and Huns, the Syrians and Persians had been exponents of a universalist spirit!

Delitzsch exhorts the German people "to rub sleep out of their eyes in time", thus recalling to memory the Grand Vizier *Haman* who warned his king of the danger to his realm and advised him to exterminate the Jewish people. But was Haman the only minister who gave such advice? At all times and in all countries, within every new generation, have arisen statesmen who renewed Haman's devices.

The Jews have survived them all, the Assyrian kings, the Egyptians, Pharaohs, the Roman Emperors, all of them down to the Russians, Ignatiev and Plehve.

In 1853, Lord John Russell said he had always defended the Jews because in his opinion mankind owed more to the Jewish race than to any other. Its history, poetry, laws had done so much for Christianity that he could not but uphold the reputation of the Jews.

In 1855, Disraeli said that Christianity as a scion of Judaism was eternally indebted to it, that the Jews were still the Chosen People and that no country which persecuted them escaped oblivion.

Of Pobiedonostseff, the Procurator General of the Russian Holy Synod, and the bloodstained repressor of all the non-orthodox in Russia, an interesting anecdote is told. He once asked his Jewish factotum (he, too, kept one): "What do you think will be the outcome of my proceedings against the Jews? What do your people think?" "If I told your Holiness, I should be transported to Siberia". "Tell me, I promise you impunity." "Well then, the end will be a festival." "A festival? When I am exterminating and starving you?" "It was always so. First it was Pharaoh who exterminated the Jews, and the end was a festival, Passover; then Antiochus exterminated them, and the end was a festival again, Hanukah, the festival of Lights; then it was Haman who wished to exterminate them, and again the end was a festival, Purim, the festival of lots; and there were many more who exterminated them, but the end was always a festival — the Jews do not celebrate all these festivals any

longer, because one cannot have festivals all the year round; still, it was always like that, and it always will be like that: the end will be a festival."

This and nothing else is the meaning of the saying of Goethe, which Delitzsch quotes (p. 102):

It is the most enduring people on earth; it is, it was, and it will be, in order to glorify the name of Jehovah through all times.

After the storming of Jerusalem, the Roman Legate stepped into the Holy of Holies in the hope of finding a statue of the Jewish God there. When he found it empty, the significant words burst from him: "Kill the knaves, they are atheists!"

How often have all the powers of earth of the same mind combined and conspired: "They have said, Come, and let us cut them off from being a nation; that the name of Israel may be no more in remembrance" (Ps. 83, 5).

They were mocked and sneered at for their peculiarities; they had to bear many calumnies; sometimes this attitude became hate of that people of which a later poet says he wished the Romans had never met it. Attacks were levelled against everything of which the Jews were proud. Their worship was dragged through the mire . . . Because they did not worship the Gods recognized by the State they were decried as atheists; in consequence of their denial of the cult of the emperors, they were looked upon as doubtful political elements. Their morality brought upon them the imputation of misanthropy, of exclusiveness.

Thus writes a Christian author (Paul Krüger, *Hellenism and Judaism*. Leipsic 1908).

And what was the social condition of the people which indulged in this proud behaviour?

"For the Jews a truss of hay and a crate are the whole furniture", writes Juvenal with glee. And Martial: "The Hebrew begs, and the blear-eye does not rest who offers the matches for sale."

Why, then, did not Judaism prefer to die as a nation, taking the advice of the nations, the advice which the wife of Job gave her husband: "Dost thou still retain thine integrity? Curse God, and die!" (Job 2, 9); why did it bestow so much energy on adapting itself to this terrible life?

Not to die, not to vanish, but to live for the great past, and



for the great hope, notwithstanding all persecutions, notwithstanding the hate of all the other nations, notwithstanding all external concessions. The Psalmist gives the answer in his way:

"I shall not die, but live, and declare the works of the Lord" (Ps. 118, 17).

Decade after decade passed away, century followed century; their increasing trials admitted no cheerful prospect of any improvement, but the Jew remained hopeful and believed in his Redeemer. Every day, morning and evening, he declared, in his devotions, his confidence in the approach of the kingdom of Heaven which should unite the nations enlightened, by knowledge, in a league of peace.

What was the triumphant strength-giving source of such self-assertion?

Its innumerable oppressors followed each other in the stream of history; Israel saw them come and saw them perish. "Ye are my witnesses, speaketh the Lord", says the Prophet (Isa. 43, 10). The freethinking Frederic the Great of Prussia once asked his devout personal physician, Dr. Zimmermann: "Cite me an argument for the truth of your faith in the Bible, but be brief, not many words!" Dr. Zimmermann replied, "Your Majesty, the Jews!"

The famous French theologian Athanase Coquerel once said:

What was it that developed in this people such an incomparable resisting force that gave them the strength to endure to our days, and to outlive all the great empires, which, in turn, had conquered, ill used, and tortured it? What was it that conferred on them the privilege of surviving them all? It was an idea, a truth, the conception of God, this constant and unswerving faith in one, only, real God, that God whom old Akiba, in the midst of his pangs of death, invoked in a dying voice.

In his book, *The Propagation of the Gospels among the Jews*, Gaussen, a sound Christian, writes:

In studying the Jewish people we are face to face with a miracle, and I venture to say: he who will be attentive cannot be incredulous. Everything which concerns the Jews is credible, for the promises and their future are not more astonishing than what is before our eyes and has happened.

Everything is a miracle in this incomparable people, which for so

many thousands of years no human power could either destroy or gather together, either reestablish or convert, either separate from the Bible or subjugate to it, either cut off from Moses or deliver to Jesus Christ. Everything is a miracle, its history, its origin, its fall, its dispersion, its chastisements and humiliations, its survival, its exile and often tried but never performed extermination, its remarkable numbers, its unity, its stubbornness, its indestructible national character, its spread over the whole globe, the survival of its racial purity amidst the nations, its synagogues in which it has read for 3300 years the prophecies that denounce it, its awe of the Scripture of which they count the letters, and its resistance to the same Scripture, its perpetual prosperity as often recovered as it was destroyed, the devastation of its country which according to its natural conditions is the richest on the globe and for the last 1800 years the most uncultivated, the cessation of its offerings — because, while they are dispersed over the whole earth, the mountain Moriah is the only place from which they are excluded, and in which they were permitted to offer sacrifices; the contempt with which the nations treat them who owe everything to them, who know the glamour of their past and the still greater brilliance of their future, and who believe that God revealed himself in the flesh in the person of a Jew. All these features, even if they had not been foretold, would form a stupendous combination of miracles. Add to this the unprecedented fact that this people alone among all the other nations forms one family, and that this family though homeless and miserable kept itself isolated from the rest of mankind whose races mixed with each other for 3700 years. This fact alone would be an undeniable miracle, even if a Prophet, 34 centuries ago, at the frontier of Moab, had not said, "For from the top of the rocks I see him, and from the hills I behold him: lo, the people shall dwell alone, and shall not be reckoned among the nations." Numb. 23, 9. . . .

The Jews are the only people that retained its peculiarities in the midst of revolutions, oppression, and agitation, through many centuries of barbarism as well as of civilization, in the reign of Nebucadnezar and of Alexander, of Charlemagne and of Napoleon. The empires passed by like shadows, the nations succeeded each other in history without leaving behind them more than the mere name, they perished, and their cities are not known any longer; but the Jews are still present, severed from all the other nations as in the time of Christ, they are still alive as one and the same stock, while all the other races have become mixed; they are still prosperous though they have a thousand times been robbed of their property; they increase in number and are more combined than ever, though a 1900 years' storm dispersed them to all the corners of the globe. Popes, councils, bishops, kings, and nations seem equally inimical toward them. More than once their destruction

was attempted by concerted massacre, thousands of them were murdered in Spain, Italy, Germany, England, and in all the provinces of France. They preferred death to life. One often saw them throw themselves in troops into the rivers. It often happened that they foregathered in their houses and killed each other in order to escape more cruel hands. In Beziers, the bishops themselves urged the people in Passion Week to set out against the Jews in order to punish, as they said, the murderers of Christ. They were compelled to wear a mark of infamy, a leather belt or a yellow hat, in order to expose them to the cowardly brutality of the mob. In many places they were forced even to fasten a sort of hobble to their bodies which they dragged after them with every step. Seven times they were called back to France by the kings for enormous ransoms, and seven times they were banished again and plundered. In Germany, no mercy was shown to them. In England, Walter Scott says, the whole nation, from the rapacious barons down to the ignorant, credulous people, combined in order to persecute the Jews, and I think that there never was any sort of being on the earth or in the air or in the water that was exposed to such universal, merciless, sustained persecution . . . But what are we to say of all these traits which are in themselves so wonderful, when one sees them described in advance in Holy Writ, foretold by the same Scripture which the Jews were reading long before the Trojan War?

King Hadrian once said to Rabbi Joshua ben Chanina, "Surely it must be a remarkable lamb that survives in the midst of seventy wolves! "Oh, no," the Rabbi replied, "great and powerful is the shepherd who rescues it and crushes its enemies" (*Midrash Esther*).

The Greeks and Romans were perplexed by the phenomenon of the Jews who bore hate and contumely, infamy, oppression and persecution with a soul of granite, who suffered themselves to be dragged to the shambles, to the stake, for the sake of an idea.

The philosopher Lotze wrote the following words.

Antiquity seemed to look upon the Jews as the dreamers among the wide-awake, yet they were the only sober ones among inebriates.

On December 20, 1922, at the exercises in connection with the distribution of prizes and diplomas to the students of St. George Institute at Jerusalem, Sir Wyndham Deedes, then Chief Civil Secretary of the Palestine Administration, delivered an address in the course of which, while referring to the extraordinary significance of the Holy Land for Christians, Jews, and Moslems

outlined the tasks which fell to the three confessions on this chosen spot, in order to serve as an illuminating example of peaceful cooperation. He believed that there was no danger of any breach of peaceful relations on the part of the Jews, for "while we find among Christians people who persecute Jews, and among Moslems people who persecute Christians, never have we seen Christians or Moslems persecuted by Jews".

In a criticism of this speech, a Christian-Arabic newspaper said:

Sir Wyndham Deedes should first answer the question how it came about that it is just the Jews who everywhere and in all times and among all nations, the progressive ones no less than those less civilized, were continually the object of the severest persecution. Must these nations forever be considered blameworthy, and does it not come nearer to the truth that in the Jewish people itself lies that which provokes other peoples, that which obviates a peaceful existence with it?

While taking a stroll around the walls of Jerusalem through the vales of Kedron and Hinnom, I met in the vicinity of the tomb of Absalom the editor of the Hebrew daily "Jerusalem" which is maintained by an English missionary society. He turned our conversation toward the article in the Arabic newspaper and repeated to me that apparently cleverly formulated question. My answer was to the following effect:

"Anyone who puts such questions betrays a lack of knowledge of history. For it is not true that exclusively the Jews were the object of persecution. On the contrary, all nations, without exception, wheresoever they lived, just as soon as they reached a condition of defenselessness in which they could no longer successfully resist aggression, became tributary, suffered persecution, and ultimately perished. To the unbridled instinct, defenselessness serves as a provocation. The Sumerians, for example, a people of advanced culture, disappeared without leaving a trace; certainly not all of a sudden but gradually they were submerged into darkness under the assaults of victors. Chaldeans, Babylonians, Ostrogoths, Huns, who suffered the same doom upon the assaults of stronger groups, also did not have a painless death. First they were vanquished in battle, and then exterminated by persecution. In the brutal nature of the



human beings lies the tendency to destroy, to extirpate all who set themselves apart, as recognizably different. The passing of nations was preceded by centuries of death agony. On the soil of the Iberian Peninsula, the Visigoths lived for centuries until they were completely exterminated by the Arabs, who, in turn, suffered the same fate at the hands of the Catholic Romance races."

Through persecution were destroyed the heathen Saxons, the Manicheans, the Arians, the Albigenses, the Waldensians, the Huguenots, and numerous other sects. In the course of centuries, methods have changed, pretexts and arguments for the oppression of the weak have varied, but the aim remains unaltered. The persecution of the Jews is not a unique phenomenon, demanding an explanation. The paradox consists in this rather, that they have saved themselves despite the persecutions hurled against them since remotest times. Two generations of oppression sufficed to erase great conquered people from the book of life, whereas as long ago at least as two and a half thousand years, the Psalmist voiced the sorrowful song:

Many a time have they afflicted me from my youth, may Israel now say: Many a time have they afflicted me from my youth, yet they have not prevailed against me. Ps. 129.

The Pharaohs went down into world history, and their later emulators sank one after the other into the abyss. The arm of the oppressors withered, their generations became extinct, others trod in their path, the Jewish race suffered new, ever more severe calamities at the hands of nations which emerged out of darkness, later to be swallowed up by waves of humanity, the while Israel, inured to suffering, stood on the shore, recalling the prediction from the mouth of the prophet who went at their head into exile.

"Though I make a full end of all nations whither I have scattered thee, yet will I not make a full end of thee." Jer. 30, 11.

The statement of the problem, therefore, should not be: "How came it that the Jews had to suffer persecution at the hands of all nations?" but rather: "How came it that the Jews alone of all nations did not succumb to persecution, and despite all the



atrocities perpetrated against them, remained alive?" The prophet calls Israel "a brand saved from the fire".

With the crown of thorns of his martyrdom on his head, Israel wanders through history, at once a mystery and an annoyance to them who hate him.

Voltaire, a grim foe of miracles, and because of them and on many other grounds, a violent foe of the Jews, says: "On est étonné, que ce peuple existe encore et est aujourd'hui plus nombreux que dans les vieux temps."

The hecatombs of Hadrian's ferocity, the fury of the Crusades, the fiery fanaticism of the Inquisition, the frenzy of popular cupidity everywhere for centuries, are only proofs that over this people death has no power; if millions succumb on its path of suffering, the race as such cannot be put to death. It carries the heavy fate of all defenseless minorities, and yet it is stronger than the heaviest doom. All endeavors to exterminate Israel merely illuminate with brilliant light the miracle of its deathlessness, — that neither cunning nor force can prevail against a race, to which the Prophet, Jeremiah, who was no chauvinist and less a demagogue, assured survival so long as sun, moon, and stars move in their orbits according to eternal laws. "If those ordinances depart from before me, saith the Lord, then the seed of Israel also shall cease from being a nation before me for ever." Jer. 31, 35—37.

#### IV. The Cultural Value of the Jewish Religion.

What Delitzsch calls a "delusion", an "extravagant arrogance", the idea of the Chosen People, Edward König terms the nursery of the worship of God and of the morality guided by it for which the seed of Abraham was destined, as is written literally: "For I know him, that he will command his children and his household after him, and they shall keep the way of the Lord, to do justice and judgment" (Gen. 18, 19). And further, "Now therefore, if ye will obey my voice indeed, and keep my covenant, then ye shall be a peculiar treasure unto me above all people: for all the earth is mine." (Exod. 19, 5.) This is the meaning of

the promise to Abraham, "And in thy seed shall all the nations of the earth be blessed" (Gen. 22, 18). -- "I am the Almighty God; walk before me, and be thou perfect" (ibid. 17, 1).

Let me also quote a saying of the Christian scholar Leopold von Schröder:

If the Jewish people, with its faith in God and through it, was conscious of a quite exceptional and eminent rank among all the nations and therefore called itself the Chosen People, it had, when all is said and done, a wellfounded right to do so. This faith is its patent of nobility and its imperishable title to fame, and it is very deeply justified that to the present day the sayings of the old Jewish Prophets and psalmists are to the religious minded men of the most civilised nations a precious inalienable treasure in which they find comfort and peace and the highest religious inspiration. Through the living treasure of prophecy the Jews have been guarded from arrogance.

Professor Traugott Konstantine Oesterreich of the university of Tübingen says in his book *Introduction to the Psychology of Religion* (Berlin 1917, Mittler & Son):

The causes which made Jewish religiosity rise beyond that of the other Semitic nations remain hidden. All we can say is that this religious and moral superiority constitutes the deepest essence of this people. We see further that it was at once on the height to which it owes its historical position. But that is all. Already the question how great was the difference of level between it and the original Judaism is a matter of dispute. The opinions of experts vary to such an extent that it is impossible to speak of established knowledge. On the one hand it is confidently asserted that the gradual evolution from a primitive state is perfectly demonstrable and capable of reconstruction (Wellhausen, Robertson Smith, and others), on the other (Orelli, and others) the primary superiority of Israel in religion and morality, in spite of temporary infections from without, is maintained. The central position of morality is not accounted for by monotheism either (which is proved by reference to the Islam). The explanation lies in the high moral disposition of Judaism. Strange as it may appear to the non-Semite, in many traits of its nature, the intensive proclivity towards warm human relations is evident in its social legislation which is superior to that of every nation. This branch of mankind is free from brutality to an extent which is not met with even in nations of superior development such as the Greeks. Even in modern criminality, the Jews, notwithstanding their neurotic disposition, are remarkably free from crimes of violence. Much as the ritual advanced to the front for wide sections, it occupied no central position in the religiosity when it was at its height as in the

times of the prophets. "It was they who transmitted to mankind the highest concept of God as the absolutely Good, the morally Holy, and (since Hosea and Jeremiah) as sacred Love. This sort of knowledge of God had till then been unknown to the world" (R. Kittel, *The Science of the Old Testament*, page 184). From placing the idea of God on the plane of morality, its universality was naturally evolved. Religion in this phase ceases to be national and aspires to become the religion of mankind. God is no longer the god of one nation but the father of all men — hence the missionary efforts of the Jews from the time of Alexander the Great. Just as in the pre-Platonic Greek philosophy of religion, two things are vital to the Prophets, the terrible zeal to conserve or restore monotheism, and the promulgation of morality. It is unique in history that the spiritual leaders of the nation should have considered its fall as a well-deserved fate, whereas elsewhere the moral guilt is always seen on the side of the opposite party. That the chief weakness of the Semitic genius, its lack of imagination, also contributed to the rise of Israel's religion, Renan's perspicuity perceived.

The Protestant theologian, Professor Frederic Niebergall of Heidelberg, in a lecture given in Cologne, pronounced the following words:

If men and nations before the war had been more strongly imbued with the spirit of the Prophets, the outbreak might perhaps not have taken place. Amos, after a successful war, once assailed the profiteers and usurers. Such pure-hearted zealots are needed to-day. Only through the moral temper of the Prophets, only through social consciousness, supreme unselfishness, through willing devotion to the fatherland and mankind can we hope for internal restoration.

And as early as 1890 Professor Oertli in Berne, referring to the social legislation of the Bible (*Statistic Annual of the Helvetian Confederacy*, edited by Karl Hilty, file 1890, p. 257) put the question,

whether the spirit of the Israelitic legislation would not be powerful enough to span the social abyss of our days if we allowed it due influence on our jurisprudence and, what is more, on our practical conduct.

The French botanist Alphonse de Candolle wrote in his book *History of the Sciences and of the Scholars of the last two Centuries*:

If Europe were inhabited by Jews only it would offer a unique spectacle. There would be no wars, consequently our moral feeling would not be outraged so often, and the millions of men would not be torn from all sorts of occupations; the national debts and rates and taxes would decrease. In accordance with the well-known inclinations of the

Israelites, the cultivation of arts and letters, especially of music would reach a high plane. Trade and commerce would flourish. There would be fewer attempts on the life of fellow-creatures, and those on their property would rarely be accompanied by outrages. Prosperity would increase considerably as the natural consequence of regular and intelligent work combined with thriftiness, and would evince itself in profuse charitableness.

### V. Clemency towards Defeated Enemies.

The Babylonian cuneiform inscriptions serve as an object-lesson of how the pagan peoples treated their defeated enemies. In a triumphal procession we see soldiers marching before the victorious sovereign, with the heads of killed enemies in their hands and the victors boast in these inscriptions — "3000 prisoners I burned in the fire" (*Library of Cuneiform Inscriptions* I, p. 69 &c.); "Their boys and girls I destroyed in the flames, the remainder I destroyed by hunger or thirst" (*ibid.* 71; 101). "Many men I took prisoners alive; I cut the hands and arms of some, the noses and ears of others; many I blinded, of others I cut off their tongues or lips" (II, p. 193, 197 &c.). Dozens of other passages could be added.

On the other hand the old Hebrew reports record that the Kings of Israel were reputed to be "Kings of Mercy", and gentle towards their enemies. (I., Kings, 20, 31.) The Hebrew victor greeted the conquered king of Aram as his "brother" (*ibid.* 20, 31).

In 2 Chron. Chapter 28 there is a report of the wars of King Ahaz, on whom the king of Syria and Pekah, the king of Israel, had inflicted a terrible defeat. They carried away 200,000 prisoners — women, children, and rich booty — to Samaria. There a Prophet by the name of Obed faced the victorious army and addressed to them the following words: "Behold, because the Lord God of your fathers was wroth with Judah, he hath delivered them into your hand, and ye have slain them in a rage that reacheth up unto heaven. And now ye purpose to keep under the children of Judah and Jerusalem for bondmen and bondwomen unto you: but are there not with you, even with you, sins against the Lord your God? Now hear me



therefore, and deliver the captives again, which ye have taken captive of your brethren: for the fierce wrath of the Lord is upon you" (2 Chron. 28, 9; 10; 11).

Thereupon the generals met for a short deliberation, and then the troops who guarded the captives were ordered to stand back. "So the armed men left the captives and the spoil before the princes and all the congregation. And the men which were expressed by name rose up, and took the captives, and with the spoil clothed all that were naked among them, and arrayed them, and shod them, and gave them to eat and to drink, and anointed them, and carried all the feeble of them upon asses, and brought them to Jericho, the city of palm trees, to their brethren" (2 Chron. 28, 14; 15).

This happened in the land of Israel almost three thousand years ago.

Likewise we read that the prophet Amos (2, 1) announces the wrath of God against Moab because in its drunkenness of victory it treated the conquered Edom mercilessly. Edom was the enemy of Israel. In its wars, as the Prophet says, it "strangled mercy", and for this reason it was overtaken by fate and defeated in the war against Moab. Now the Prophet Amos announces that Moab, too, which dealt by Edom as Edom had dealt by Israel must have a fall because it dealt infamously by the furious enemy of Israel.

Now consider, exclaims a Christian Old Testament scholar, what this means: the conscience of a man of the eighth century B. C. is revolted because other nations inflicted evil — not on his own people — but on his hated and justly hated enemies. And that at a time when warfare was wild and cruel.

What measure of high-minded insight into the dignity of man and into the majesty of the universal moral law, extending across the barrier of race and nationality, was granted to men who had risen to the conception that the boon of the moral order of the world benefits also the enemy, and to whom the moral law, living in the heart of man, gave the absolute conviction that the breaking of the covenant of nations or inhuman warfare outrages the dignity of man also in the enemy and offends the conscience of nations!

Similarly the Prophet Isaiah, in one of his greatest speeches, invoked the judgment of universal history against Assur, because its rulers knew



no moderation in their dealings with defeated nations. That they made war on these nations and brought about their fall was in accordance with the scheme of Providence, for they had to be chastised for their sins. But there they ought to have stopped.

"How be it he meaneth not so, neither doth his heart think so; but it is in his heart to destroy and cut off nations not a few." Isaiah 10, 7.

With the blind arrogance of land-covetous conquerors, the Kings of Assur forgot all bounds and mercilessly trampling underfoot the nations, marched across the earth, subjecting it. And thus the Prophet foretells in words of fire that the arrogant conqueror, because he forgot all moderation, would also be overtaken by the inevitable fate.

In *Benudbar Babba, Par. Berak*, as well as in *Tanchuma* and *Yalkut*, it is recalled that the misfortune of such nations as were antagonistic to Israel awoke in the hearts of the Hebrew prophets sorrowful sympathy.

Josephus (*Contra Apionem* II, 29) wrote 2000 years ago:

Gently you shall deal with your enemies in war, for the lawgiver forbids wasting their land by fire, and does not permit the cutting down of fruit-trees.

When besieging a town it is forbidden to invest it on all sides; one free exit must be left for individuals who wish to escape (Maimonides, *Mishne Torah, Melachim* VI, 7; *Semag*, § 118). The Christian nations, in the world war, took very little thought of old people, women, children, fugitives . . .

In an essay by the jurist Josef Kohler on ancient international law, he analyzes the martial law of the peoples before Christ, especially those of the Babylonians and Assyrians which are characterized as cruel and bent on the destruction of not only the enemy State but also its entire population. The author then speaks of the Jewish people and continues:

"Nobody could have divined that while all those powerful empires decayed this people would with unheard-of tenacity survive and arrive at a commanding position in the world. But it was the great idea, the worship of the one God, which united this people even at a distance, and in exile it succeeded in assimilating a great many factors of civilization without abandoning the great ideas of their own religion . . . An obvious proof that the power of the idea outlasts the centuries, and that the spirit of civilization invariably carries the day in mankind."

Professor Henry Cornill concludes his lecture on "The Old Testament and Humanity" with the following significant words:

At a time when the darkest night of uncharitableness and inhumanity enveloped the rest of the world the religion of Israel already breathed a spirit of true humanity, which must inspire also the non Jew, if only he has a mind to see, with awe and admiration. As long as similar sayings in a similar number to those we meet in the sacred books of Israel cannot be attributed to any other nation of antiquity, I shall not give up my thesis that Israel has given the world the true humanity just as it has given to the world the true God. Every unbiassed Gentile must echo the words which also a non-Israelite, Balaam, the son of Beor, the man with the open eye, uttered in referring to Israel:

"For from the top of the rocks I see him, and from the hills I behold him: lo, the people shall dwell alone, and shall not be reckoned among the nations." Numb. 23, 9.

Another scholar says:

In Israel's Prophets, the genius of Israel comes out in its purest and sublimest expression. The religious heroes of Israel, who cannot be paralleled in any other nation, have, in an incomparable manner, looked into the bottom of their people's soul. Professor Rudolf Kittel, *History of the people of Israel II*, p. 436.

The impressive exhortations of the Bible not to oppress the "stranger", not to curtail his right but rather to love him, are evidently annoying to Frederic Delitzsch; there is nothing analogous to that in Hamurabi. But his resources are inexhaustible, and he mystifies his readers in translating "Ger" by "protegee". This is philologically untenable. "Ger" in the Bible is the alien immigrant, or, what is practically the same, alien in country and religion.

In daring to assert, although the saying "Ye were Gerim in the land of Egypt" makes the meaning and tenour of the word perfectly plain, that this means the protegees of Israel, i. e. the people living in the midst of the Israelites and like these circumcised but descended from those deserts tribes which had joined Israel in its exodus from Egypt - this discovery of Herr Delitzsch's will be a great disappointment to his colleagues. Only the "ger zedek", the righteous proselyte had to submit to circumcision, but not the "Ger toshab", the alien inhabitant.

Herr Delitzsch ought not to forget one thing:

While among the ancient Jews the murder of an alien non-

Israelitic serf was punished with death (Ex. 21, 20; Talmud Makkot 8b. Mechilta Ex. 21, 20, Maim. Mishne Torah Rozeach II, 10) the German bondman, though a native and tribesman, had no right whatever in the community of Germans and no protection. If his master killed him, he only made use of his lordly privilege. If it was different later on, it was due to the fact that the Germans had been "Judaized" through Christianity.

Delitzsch calls the Jews "robbing and murdering nomads", and he uses the strongest words to voice his displeasure at their conduct upon their occupation of the country of Canaan. What happened in the course of the Germanization of the originally Slav districts, what befell the pagan Slavs and the pagan Germans as well, in the reign of Charlemagne, Delitzsch does not remember; that happened such a long time ago!

Before Tortona, Frederick Barbarossa caused gallows to be erected in order to hang every captive inhabitant of the town. Otto Morena goes on to report that he had 200 Veronese hanged; of 200 others he had the noses and lips cut off. Before Cremona, Barbarossa had the captives hanged, the hostages executed; he tied boys whom he had held as hostages to the battering-engine, so that the Cremonese had to kill their own children. Otto von Freising says, in praise of him, that he "was not diverted from the virtue of rigour by the blunder of indulgence" (M. Kemerich, Supplement 215 of the *Münchener Neueste Nachrichten*, 1913).

In Wilkens' "History of the Crusades" I, p. 296 (Michaud, *Bibliothèque des Croisades* IV, 92) one reads:

"On the 15th of July 1099, the army of crusaders under Godfrey of Bouillon entered the holy town. Like raving beasts the victors raged and pillaged in Jerusalem. The Jews of Jerusalem, since all resistance was vain, marched under the guidance of their Rabbis into the Synagogue and waited there for their death. The crusaders set fire to the synagogue, and the whole community met their death in the flames, amidst the exultant shouts of the murderers."

About the conquest of Mexico Montaigne writes (IV, 3, 6): "Who has ever paid such a price for a commodity? How many

towns were razed to the ground, how many peoples, how many millions of human beings destroyed! The richest and most flourishing country of the world, for the sake of the pearl and pepper trade, was turned into a desert."

The Christian nations of Europe did not protest against this fury of profiteering; the Head of the Church kept silent. Only the Jewish blood in Montaigne cries out.

This Herr Delitzsch does not remember either. On the other hand, we are in possession of an original report about a "scientific expedition" into the back country of Kamerun by one of the chief participants (Supplement of the *Münchener Allgemeine Zeitung* 10th March 1895). There it says among other things:

Then we required provisions for the people. After a short time a strong deputation of ten armed men came back. The chief speaker demanded insolently that we should break camp and either retire to the spot assigned to us or to turn about and leave their country.

When the negroes came armed in great numbers, the Germans did not wait for the attack. "Aim! Fire!" Volley on volley cracked. Horse and rider were rolling on the ground, and after the third volley only a few riders were visible before the town . . . On a coal-black horse a rider stopped and urged the foot soldiers on. I aimed deliberately at him, pulled slowly off, the shot told, and a moment later the rider fell to the ground.

After the victory the town was pillaged and burnt. The dead, of course (!), were thoroughly plundered. It was a melancholy spectacle.

The town burning, hundreds of carrion-vultures in the air and upon the dead people and horses, and on the other hand the mad and riotous doings of the victory-drunk people. I felt very low, not because the hideous scenes affected me, but because the people had frantically fired away without a vestige of deliberation, many even without aiming; therefore the battle had cost an incredible number of cartridges.

Notwithstanding the victory, our heroes had to turn back [which they might have done earlier without murder and arson]. As we only advanced slowly, the inhabitants of the villages would have had time to clear their villages completely, and we should not have found provisions anywhere . . . on the same afternoon we decamped, in the evening at half past seven we attacked New-Assoli, our previous sleeping-place, drove the people away and plundered the place.

Fortunately we found rich provisions in grain, fowl, and goats.

How we enjoyed the fowl roasted in the fire [of the burnt town], and the goat's meat after the hot day and the march at night through

the quiet savanna! . . . On the following morning we arrived in Old-Assoli. The place was forsaken and was likewise set fire to.

The cruel treatment of the natives eventually led to mutinies in Kamerun. According to the report of a Berlin newspaper "the German officials there had the wives of the black soldiers publicly flogged, because they had worked too little". While the soldiers were looking on in closed ranks their wives got ten strokes each with the whip made of the hide of the hippopotamus, and the assessor Leist was standing by and witnessing the execution. "The shrieks and screams of the chastized could be heard for away." The whips were afterwards produced in the German Parliament.

The mutiny, of course, owing to the superiority of the European arms, was soon quelled. Three villages, obstructing the view, were burned down. Inadvertently the houses of the two most influential chiefs were also burnt, though they are, despite all wrongs, friends of the government.

But it seems it was not by inadvertence that the wives were publicly flogged in the presence of their husbands.

We have not heard of Herr Delitzsch and his partisans having been particularly exercised over these brutalities.

The people who are co-responsible for so many atrocities committed during the most insidious war of all times, for the merciless murder of defenceless wounded soldiers, for sinking hospital ships and thus exposing hundreds of maimed, feverish, indescribably suffering human beings, after long hours of torture, to the mercy of the waves; the people who backed the criminals Taalat and Djemal in the cowardly massacre of fourteen hundredthousand pious Armenian Christians (according to the testimony of Morgenthau, the American ambassador in Constantinople) have chosen a most inopportune moment for being so passionately revolted at rough warfare — 3000 years ago.

Dr. Stürmer, representative of the "Cologne-Newspaper" in Turkey, writes literally (*Two Years of War in Constantinople*):

History will record it as a disgrace that the deliberately cruel annihilation of a culturally valuable nation of one and a half millions was coincident with the zenith of German ascendancy in Turkey.



## VI. Material Prosperity.

In disparagement of the Bible, Delitzsch quotes (p. 83), as many of his way of thinking have done before him, Deut. 15, 6:

For the Lord thy God blesseth thee, as he promised thee: and thou shalt lend unto many nations, but thou shalt not borrow; and thou shalt reign over many nations, but they shall not reign over thee,

as if it were a question of capital and money transactions. Deut. 5: 6 must be read and understood in connection with Deut. 28: 11, 12, 13, 14, which say:

And the Lord shall make thee plenteous in goods, in the fruit of thy body, and in the fruit of thy cattle, and in the fruit of thy ground, in the Land which the Lord sware unto thy fathers to give thee.

The Lord shall open unto thee his good treasure, the heaven to give the rain unto thy land in his season, and to bless all the work of thine hand; and thou shalt lend unto many nations, and thou shalt not borrow.

And the Lord shall make thee the head, and not the tail; and thou shalt be above only, and thou shalt not be beneath; if that thou hearken unto the commandments of the Lord thy God, which I command thee this day, to observe and to do them:

And thou shalt not go aside from any of the words which I command thee this day, to the right hand or to the left.

This is the passage *in extenso*. The Jewish people is promised by God to have his blessing in Palestine, provided it submitted to all his commandments and aimed at being a "holy people" among the nations, i. e. a people that in all its inclinations and aspirations, in its public and private life, would prove to be wholly the exponent of God's will and his faithful servant. God, then, gives his blessing to a community of men who wholeheartedly give themselves up to God, because this blessing fosters human aspiration as willed by God and because all nations will see the finger of God in this blessing and will look with respect on this small people, which by its moral greatness commands their reverence and in whose material welfare the "Divine Name" is manifested, the great redeeming truth that welfare, happiness, content, peace, blessedness are the enduring lot of those only who are true servants of God, who practise virtue and observe the laws of God. Should Israel, then, prove a nursery of morality, God will bless its soil with utmost fertility

so that Palestine will be in a position to give of its abundance to other lands, not to borrow from them, and thus the small commonwealth should be a model to others, teaching them the secret of how to establish national prosperity, while Israel had nothing to learn from their principles of government.

## VII. The Sabbath.

The fact that civilization must thank the Jews for the Day of Rest, seems to the race fanatics nothing less than a misfortune, a trick of fate which ought to be put right. Now Babylonian calendar tablets, destined especially for the use of the Great King, have been found, containing detailed precepts about the 7th, 14th, 21st, and 28th days of the month impressing on the "Shepherd of the Great Nations" not to eat roast meat and not to change his coat, on the Magi not to prophecy, on the leech not to touch his patients. This was promptly pounced upon by Fr. Delitzsch: "As the elimination of the seventh day is easily accounted for by Babylonian superstition, there can be no doubt that we owe the blessings of the Sabbath and Sunday to the civilization of that age-old people."

But the Babylonians had looked on the 7th, 14th, 21st, and 28th days of the month as inauspicious days on which the demons had power to injure human beings; these days belonged to them. The Biblical Sabbath was a day of blessing devoted to God, a day of rest for the whole nation. Professor Adalbert Merks, in the International Congress of Orientalists, said in connection with a lecture on *The Influence of the Old Testament on Universal History*: "It is not the elephant whose tusk supplies the ivory that deserves honor from Culture, but Phidias who turns that ivory into an animated piece of sculpture" (cf. Ed. König, *The Modern Babylonizing of the Bible in its Latest Manifestation*, p. 20).

In ancient Rome, the Jews suffered many vexations on account of the Sabbath. You may read in Tacitus and Seneca how the spiritual comrades of H. S. Chamberlain, Fr. Delitzsch, and others had nothing but sneers for the Sabbath.

As late as the 9th century Pope Nicholas taught that to abstain from work on Sunday, was judaizing. Lothar Bucher, the historian, tells how King James I. when journeying across Lancashire was told that the country "was infested by Quakers and other such precise folk" who abstained from work and amusement on Sunday. On his return, he issued a decree which branded strict Sunday Rest as dangerous to the Commonwealth, to Religion, to Society, to the Army. To the Commonwealth, because people, on Sunday, would think and become dissatisfied; to Religion, because people could not possibly like a Religion which imposes on them such tedium; to Society, because idleness leads to inebriety; to the Army, because the race would soon deteriorate without dancing, leap-frog, etc. once a week. Spiritual and temporal authorities were directed to warn the evil-minded, and if that did not work, to drive them from the country.

The present Sunday rest in England is a legacy of Judaizing Puritanism.

### VIII. The Sacrifice of Isaac.

One of the most significant chapters of Genesis is that about the abolition of child sacrifices. In his old age, a son is born to Abraham. He is to offer him up on Mount Moriah. But Isaac is saved. What brought about this rescue? Was it paternal love carrying the day? Was it pity for the young life? On the contrary, it is urged that Abraham was ready, by sacrificing his son, to manifest his whole-hearted devotion to God. Unflinchingly he prepares to do the deed. The Biblical narrative aims to impress on its readers that it was not a conflict of feelings in the heart of Abraham which saved Isaac, but the voice of God calling unto him, "Lay not thine hand upon the lad" (Gen. 22, 12). It was spiritual enlightenment, the voice of the true conception of God which rid mankind of a dark delusion: God who requires spiritual worship only does not demand human sacrifice. If Abraham had spared his child out of pity and mercy, the great, illuminating idea of this narrative would be obscured. It

was necessary that he should be trustingly ready to make the offering in order that he should be prevented from doing so by the voice of God. The abolition of human sacrifice marks Israel's entry into History. But thousands of years had to pass before the sound waves of that voice on Mount Moriah reached the ears of the Aryan nations.

Th. Fritsch, *The False God*, p. 42 sees this in the distorting light of his hate:

Unhesitatingly Abraham departs on the way, prepares the pyre and puts the knife to the throat of his boy. Jahve is delighted with this barbarous way of thinking and deems it worthy of the highest reward: Because thou hast done this thing and hast not withheld thy son I will bless thy seed.

And the hero of Dinter's novel *The Sin against the Blood* declares:

The conception still cherished by many Christians that Jesus by his Passion and Death had offered up to God a sacrifice of propitiation for our sins and thus had brought about a sort of general pardon for sinful mankind is, of course, nothing but an interpolation of barbaric Old Testament ideas into the teaching of Christ.

They could not emancipate themselves from the Jewish conception of "business" connected with sacrifice. The vindictive and acquisitive Jew God Jahve could only be propitiated by sacrificial gifts for transacting new business. But what meaning is there in such sacrifices offered up to our God who is our Father and Love?

The doctrine of the expiatory death of the Son of God is the exclusive property of the Apostle of the Gentiles, Paul, absolutely foreign to Judaism. Thousands of years ago a prophet exclaimed:

"Will the Lord be pleased with thousands of rams, or with ten thousands of rivers of oil? Shall I give my first-born for my transgression, the fruit of my body for the sin of my soul? He hath showed thee, O man, what is good; and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God? (Micah 6, 7.)

## IX. The Cultural Value of the Jewish Race.

So far scientists have not been able to fix on a generally accepted standard for determining the superiority or inferiority of a particular race. Perhaps the statistics of the Nobel prizes which, in

Scandinavia, are conferred without any bias might give an index as to the share the different peoples have in the supreme achievements of mental and social work done for the good of mankind. Of the Jewish people (about 15 millions) the following persons have been awarded the Nobel prize: Albert Michaelson, Gabriel Lippmann, the Cabinet Minister Asser, Paul Ehrlich<sup>1</sup>, Fritz Haber,

(1) In 1908, the Jewish banker Samson of Brussels bequeathed his entire fortune of thirty million francs to the Berlin Academy of Science. Nevertheless, Paul Ehrlich could not attain a professorship in a German university because he was a Jew. Jacques Loeb had to emigrate to America and Robert Barany to the University of Upsala. The astronomer M. Lewy had to go to Paris where he became director of the observatory. The young Berlin physiologist Doctor Borchert (son of a provincial court counselor and a nephew of the famous botanist Cohn) committed suicide because he was denied an instructorship by reason of his descent. He preferred death to treason by flying from his colors.

A letter from Lemberg to the Warsaw Hebrew Journal "Hazezirah" (No. 127, 1914) relates the following story: Doctor Berger, a young man of high scholarship, was graduated with honors and received his degree from three faculties. Born and raised in Lemberg, educated in the Polish grammar school, this Doctor Berger dared to make an application to the Senate of the University of Lemberg for appointment as a lecturer in jurisprudence. In response, he received from the Senate the following decision: "The relations between Jews and Poles within recent times have so shaped themselves that it is impossible to appoint a Jew as a lecturer in a Polish university". Doctor Berger, thereupon, sought his fortune in Germany where he was told: "As a Pole, you cannot be accepted in a German university." The Jew, Berger, was thus in Poland a Jew, and in Germany a Pole. Then he turned to the Senate in Rome and was accepted. Now he is receiving hymns of praise from the Polish press which glory in the fact that a "Pole" in Rome is reflecting honor upon Poland, while a German professor who was formerly a teacher of Berger writes to him that he (the professor) rejoices that German science has a brilliant representative in the person of Berger in Rome. The tragedy of this case has a high comical relief.

A naturalist, well-known in Vienna, who had a Jewish sounding name was being considered for the position as pharmacologist in Marburg. The faculty turned to one of the professors who was acquainted with the gentleman in order to find out whether the latter was a Jew because his being accepted for the position depended upon that. In answer to an inquiry, the naturalist wrote: "I am not really a Jew, but if the faculty places any special value upon it, I can certainly become one." Whether the faculty was very much edified, we do not know, but the gentleman got the position.



Alfred H. Fried, Robert Barany, Richard Willstätter, Otto Wallach, Albert Einstein, Henri Moissan and three sons of Jewish mothers: Eli Metchnikoff, Paul Heyse and Anatole France — which number surpasses that of the English and French Nobel prize winners, taken together. Albert Einstein was pointed out by Lord Haldane as a man who has brought about a greater revolution in the intellectual world than Copernicus, Galileo, or even Newton; many an Englishman of the circle of the "Morning Post" probably had a grudge against Providence on account of the double uneasiness, "that the greatest scientific man the latter centuries have produced is a German Jew", as the English weekly *The Nation* says. Professor Heinrich Rosenbusch in Heidelberg does not belong to the number. He received, in the year 1903, the Wollaston Medal, the highest distinction which the Geological Society in London has to confer.

In chess, too, bias is ruled out. In this royal game, the strongest brain comes off victorious. For centuries the world's championship of the game of chess was an almost Jewish monopoly. The same holds good with regard to physical fitness, considering the disproportionately great number of pugilists of Jewish race.<sup>1</sup> Whoever has had the opportunity of knowing the circles of the international "Artists" knows that the percentage of Jews among athletes and acrobats who, trusting to their strength and skill risk their lives daily, is an extremely high one.

One of the champions of Europe in cycling, the champion of Germany, Bohemia and Hungary was Maxime Lurion; Paul Neumann and Otto Herschmann carried the day when swimming in Athens at the Olympic games.

The Viennese, Otto Scheff, also won the championship of the world in Athens at the Olympics. Jabez Woltfe of Glasgow is his worthy colleague. Berthold Tandler of Vienna won the title of champion of the world twice; he was one of the best heavy weight lifters. The famous prize swimmer Bibbero, a conform-

(1) Tacitus, in the *Histories*, V, 6, says of the Jews: *Corpora hominum salubria et ferentia laborum*, i. e., this people is healthy of body and fit to bear hard labour; likewise he attributes contempt of death to them, *moriendi contemptus* (*ibid.* V, 5).

ing Jew, died in London, 85 years old. Simon Orlik, the swimmer, won the world's championship in 1913 and with him numerous Jewish swimmers won first prizes, for instance, Otto Wahle. Miss E. Kronberger, the daughter of a Jewish manufacturer in Budapest, won the first prize as the world's champion in skating.

In the oil mines of Boryslav Jewish workmen are employed exclusively even by the Christian owners. The reason for this is given in a letter of June 1913 of the municipality of Boryslav to Adolf Stand, member of Parliament, who published the following passage from it:

"To the present day there are about 2500 Jewish working men and women employed in Boryslav, in the wax mines, at wax melting, at oil collecting and cleaning, both in Jewish and Christian mines, because they are the only people fit for this work. Thus, in case of conflagration in oil mines, only Jewish workmen do the rescue work of filling up and smothering, because they are the most daring, walking straight into the fire; on the occasion of the last Oil City fire they were specially commended by the late Cabinet Minister Homan."

Felix Dahn, a leader in the Pan-German movement, once "put his foot in it". In a speech made at a ceremonial gathering of the Association of Bavarians in Breslau he was just speaking of the Teutonic giants of old who should be models for the modern generation when a man in the uniform of a Bavarian captain, a very son of Anak with all the characteristics of a Teuton, made his appearance. Presently Dahn, pointing him out, exclaimed: "Here you see a model of those men who give us an adequate idea of what our ancestors were like." First there was deep silence, but presently the whole audience was in a roar of laughter when Felix Dahn heard the name of the officer, King's Counsel Carl Levy (died in Ohlau 1913), who heartily joined in the general mirth.<sup>1</sup>

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(1) The Gregorian Decretals (Book V, Title 6, Chapter 15) contain the following decree, taken in the fourth Lateran Council (1216):

"In some regions, Jews and Saracens are told from Christians by their garb, in others this is so promiscuous that discrimination is no longer possible, in

Some anti-Semitic leaders do not seem to be quite sure of the inferiority of the Jewish race; they rather look upon the in-

consequence of which it happens, and that not rarely, that Christians marry Jewish and Saracen wives, **Jews and Saracens Christian ones.**

"Now, lest such a mistake be utilized as a cloak and pretext for such a strictly forbidden intermarriage, we ordain that the Christian garb in all regions and at all times, in both sexes, shall differ from that of other nations."

So actually there were no other characteristics and no other means of preventing such intermarriages "by mistake", but the enforcing of a distinguishing garb.

A hotelkeeper in Neu-Toblach recently turned to the Vienna *Deutsche Zeitung* with the following heart moving request:

"To the Editor: I am a faithful subscriber and an eager reader of your journal and a warm advocate of the ideas which the '*Deutsche Zeitung*' stands for. Here in Tyrol many of us hotel keepers who cherish a German anti-Semitic view point would be happy to be able to accommodate Christian guests only. There is no greater pain for us than to learn that many whom we welcome in a friendly manner later turn out to be Jews, — but how is one to know by looking at people that they are Jews? Cases occur in which persons who have curved noses demand accommodations and are turned away, who, it later transpires, are Christians; while, on the other hand, some who have real Christian faces are after all Jews. I do not have to impress upon you how unpleasant such mistakes are.

"For this reason, sir, I take the liberty of asking you to publish my complaint in your widely-read paper so that my long cherished idea may finally become public, and that in travel guides it should be expressly stated which hotels are anti-Semitic in order to make it easy for the Jews not to go where they are not welcome. In this way the anti-Semite will be in a position to keep away from places of the other category and we Christian hosts will be saved this annoyance. While hoping that my wish will have consideration from you, I can assure you that you will at the same time, earn the thanks of many hotel keepers in Tyrol.

"Respectfully yours,

A. Ploner."

What a dirty trick! What is the use of a strong belief in the self-styled superior race if all characteristics mislead? According to the new theory, it should really be child's play to distinguish the black-curly-haired, crooked-nosed, bow-legged Jews from the blonde, erect, and straight-nosed Aryans.

But here is revealed the whole Semitic rascality of the Jews, — they do not pay any attention at all to the concocted theories in their outward appearance, and so the "unpleasant mistakes" are unavoidable. How often in Vienna have ladies and gentlemen of good Christian families and of good Christian belief been victims, in the most painful manner, of the results of

tellectual superiority of the Jews who flood the universities and the halls of science as a danger. If this superiority is a fact, then the Jews have to thank the frantic hate of their enemies for it. The educational influence of Jew-baiting on the competence of the Jewish race must not be rated too low. I gave a lecture to the "Union of Austrian Jews" in 1890 on the good offices which our enemies do us, and what I said was to the following effect: Among the fanatics — curiously enough — the schoolmaster is most conspicuous. The Jewish pupils know it to their cost. To the boy nothing is left but to be all ears and to exert all his faculties, to exert his brain to the utmost; it does not suffice for him to do as well as his Christian school-fellow, for in this case he is pushed to a back-seat, as he lacks the benefit of denomination, of race; he has to exert all his strength of mind, must do three times as much as the Christian pupils in order to make up for the natural privileges of the Aryan fellow pupils, and to meet the undeserved antipathy of the teacher. Now, if we consider that this happens in all schools, in all towns, in many countries, in the lower as in the higher grades of the elementary schools, in the grammar schools, in the polytechnic institutes, in the academies, and that this state of things is permanent, then the Jewish young generation must enter the race of life educationally much better equipped.

Nay, what is more, a scientific law which even anti-Semitic violence cannot do away with, says: The more the brain is exerted, the more capable and efficient it becomes, the more refined the race becomes. The fact that we have numerous

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misleading traits such as the engineer Alois Franz Haide of Graz on the occasion of his execution of a commission in Mureck on the 5th of August, 1894, or the poor photographer of Fogaros, or the unfortunate Frenchman in Wiener Neustadt, who all suffered most cruel maltreatment, even though they gave the most earnest assurances that they were Aryans.

According to the Wiesbaden correspondent of the *Barmer Zeitung*, similar unpleasant mistakes are known to have occurred in Germany. At a railroad station in Nassau "one of the highest German government officials" vigorously objected to riding with a certain gentleman whom he took for a Jew, because his "national" feeling would not permit of it. Later, however, it turned out that the alleged "Jew" was "one of the highest Protestant church dignitaries".



anti-Semitic teachers who are not very well disposed towards our children cannot but produce the result that the Jew of the next generation will by far surpass his Christian competitors in ability and gifts, in all the qualities of the brain.

The same applies to the university career. Here also, the Jewish student perceives even more clearly that he must equip himself against malice and prejudice with superior efficiency, while the Aryan student is given to understand from many sides that the nationalists or anti-Semitic outlook procures something more valuable than knowledge, — social position. But the standard for national radicalism can only be acquired in tavern life, and thus we see that the sons of anti-Semitic members of Parliament, who felt it incumbent upon them to excel in this respect, were floored three times at the examinations, and yet were not prevented from attaining high offices of state.<sup>1</sup>

What has been said of the Jewish student, holds good in the same degree for the Jewish merchant, manufacturer, or artisan. Religious persecution inflicts on them disabilities which they are able to overcome only by more intense capability, by greater efficiency, by the exertion of their energy. The Jewish manufacturer has to produce better, more solid wares, his prices must be moderate if he wishes to overtake his rival who has the advantage over him because of his Aryan birth and Christian religion.

If one section of the population is stimulated by external coercion to an intensified exertion of all intellectual gifts in every department of mental activity, the efficiency of the brain is advanced to a degree which the anti-Semitic agitators cannot possibly imagine. The habit of forced labour and never-resting industry creates, as a new necessity, a constant craving for work which will not be denied. This craving for work and the anxious

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(1) In a meeting of Catholics in Vienna (1902) an anti-Semitic leader, Dr. Pattai, afterwards President of Parliament, said: "In the reading-rooms of the libraries many 'foreign elements' are to be found while the Aryan students outnumber them in the taverns." The daily paper "Deutsches Volksblatt", in a commentary on this speech, wrote: "In the face of this fact, it appears almost droll that the Jews should try to hush up such delicate things."



circumspection of him who is constantly beset by enemies make up a combination which ultimately turns out to be one of the strongest weapons in the struggles of the races. It is a law of creation that the divine nature of man has always proved sufficient to adapt itself to changed circumstances, to supply necessary powers of recuperation, and transform adverse conditions into possibilities for higher development.

But all the agencies which intensify and increase the intellectual ability of the Jewish race bring about a corresponding strengthening of its moral fibre.

At school, to begin with, the Jewish boy must make no slip, he cannot hope for indulgence in the anti-Semitic teacher, he must be doubly careful. If a Jew has to go to law, religion and race are the first grounds of suspicion in his disfavour; if he has really committed a knavery, then he will be punished twice: as a knave, and as a Jew. And the incendiary press drags his name through the mire, and vituperates the "Jew" who made bold to encroach on the privileges of the (anti-Semitic) leaders.

The number of condemned Jews since the beginning of anti-Semitism shows a satisfactory decrease. Anti-Semitism is such an untiring monitor of the Jew that he must work in his profession twice as much as the others, that he must stand much higher both intellectually and morally in order to succeed. A very difficult task, but a high one at the same time, a destiny, but also a spur. Here lies the secret of the much derided idea of the "Chosen People". Through anti-Semitism, the fiction of the superiority of the Semitic race must become a reality. The imaginary bogey takes life: the Nemesis of the natural law.

The whole system with its wholesale aspersions, false charges, its evasion and defiance of the laws, its barbarity and licentiousness, its insolent assaults on the weak, and its cowardly recoiling from the strong and brave, has a truly disintegrating and demoralizing effect on the non-Jews. Hatred first consumes him in whose bosom the flame is ablaze.

A famous naturalist, Professor Dodel-Port of Zürich, says on this very point:

26 Bloch, *Israel and the Nations*.

I do not know a more striking instance in the history of mankind to warn more emphatically against the systematic oppression of whole classes of the population than this case. Whoever wishes to judge impartially must admit that the superiority of the Jews of the present day is exactly what was to be expected. *Moses or Darwin? A school-question*, p. 98. Zürich 1889.

The Bible says of the Jews in the Egyptian slavery: the more they were oppressed the stronger they became. Likewise Dio Cassius XXXVIII, 17 says literally of the Jews in the Roman empire: Often oppressed, they grew most vigorously.

From its very inception, Israel has learned that the curse of his haters turns into a blessing for him. To one-eyed Balaam whom Balak, the king of the heathens, offered riches and treasures for cursing Israel, but who blessed it instead, our national literature has dedicated a particular chapter, one of the most magnificent in the Bible, impressing it on the simplest mind "that God turns such a curse into a blessing". The Prophets later on never tire of recalling the episode of Balaam in the early history of Israel to the memory of the later generations.

O my people, remember now what Balak king of Moab consulted, and what Balaam the son of Beor answered him . . . that ye may know the righteousness of the Lord. Micah 6, 5.<sup>1</sup>

In the course of a four thousand years' history, Israel worked its way to the purity of the double thought, One God and one mankind. The oneness of God to Israel is insolubely united with the thought of the unity of the human race. Berthold Auerbach, in a letter to Döllinger, wrote the memorable sentence: "The mission which is vouchsafed to the Jews on the strength of their wonderful perpetuation in an unparalleled history of martyrs, will be realized." The mission of Israel not yet realized, of what does it consist? To protest ever and unceasingly against the recrudescent heathenish barbarism of the hate of the nations, and, in face of the wild feuds and self-laceration to which the delusion-drunk chauvinism of all the races and nations, nay, the entire peoples of Europe-came to, to call to mind human-

(1) Alone of all the nations of antiquity the Jews have a history which tries to see the rule of a moral world order in our sublunar affairs. The refining trials of its fate have made it just and mild, thoughtful and affectionate towards others. Poeschl, *Völkerkunde* 203; 307.

ity, the common origin, the consanguinity of one single family of peoples to which we all belong, — the Slav, the Teuton, the Roman, the man of brown, or red, or yellow complexion, the Eskimo who, in the cold north, gains a bare subsistence, the Negro in innermost Africa whose skin has been blackened by the burning sun, just as well as the members of the civilized nations: the destiny of Israel is bound up with the triumph of this thought in the life of the nations.

Castelar was the author of the saying: Only by the persistence of such a people could the idea of the oneness of God be preserved unscathed.<sup>1</sup>

Anatole Leroy-Beaulieu gives the following wording to this thought:

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(1) A French scholar under the pseudonym "Loetmol", at the time of the modernist hubbub, published (in the "Univers", 1907) a paper which concludes as follows:

"All those who nowadays are dissatisfied with the religious state of things owe thanks to you Israelites for the immense service which you rendered to humanity when you persistently refused to see your definite religion in the theories of St. Paul, in the Hellenistic speculations, or in the theocratic Christianity of Rome. I do not doubt in the least that the Christians, who move in a circle without any visible way out of it, will at last realize that you, with your supposed blindness were right, and they will thank you for it. But even if the day of this solemn reparation of so many mistakes may be long in coming, one of them wants to tell you with all the regard and love due to your Church, the mother of ours, even if he at present be disowned by his brothers: Thank you for refusing the Christian baptism, thank you for not having suffered yourself to be maimed and devoured by us, for your intention to live your own life, though your existence was a very hard and painful one; thank you for the energy with which you defended the pure and vital monotheism, though your faith which was denounced as criminal stubbornness brought you only wrongs and persecution from our side. Thanks for the obscure, but fruitful work of your teachers at a time when we still occupied ourselves very little with science; thanks for the blood that your martyrs have shed while we were stupid enough to believe that we accomplished a work agreeable to the Messiah, whom we owed to you. To you the merit of the courage which frees the conscience, to you the merit of faithfulness to an ideal which we prematurely declared realized. But we who to-day make an open question of our whole Christianity, we must be ashamed not so much because we were mistaken, but because we were so unjust to you by persisting in our mistake.

The mission of Judaism seems to me to be in connection with its Bible and its Prophets. It is, above all, a moral and a religious mission, namely this, to uphold the idea of God in the face of the growing materialism and modern paganism, and to defend and propagate the two grand ideas of the fatherhood of God and the brotherhood of mankind, which Judaism and Christianity have in common.

I do not know whether it is a favour of Providence or a malice of fate: anyhow, our "chosen" isolation since the days of Zion proves that our fate is inseparably bound up with the fate of common human progress. When superstition spreads its gloomy shadows over mankind, when spiritual tyranny holds the nations in its grip, then the star of Jacob is extinguished; but it reappears on the horizon in its full splendour when progress triumphs, when enlightenment spreads, when humanity, the conscience of the unity of the human race, is on the increase in the nations. Through our entire ancient literature runs the single thought that the deliverance of Israel at the same time releases the fettered idea of God, that each cloud on Israel's heaven of life also darkens the highest perceptions, and makes superstition triumph; that each victory which Israel obtains among mankind is at the same time the triumph of the highest divine and human ideas in the consciousness of the nations. When Israel is in distress it is a symptom of the sinister powers of barbarism and hate deluding and seducing mankind so that the pure thought of God cannot enter their hearts. When Israel was in the bonds of slavery, God revealed himself in the low thornbush (*Tanehuma* par. Shemoth, and other passages). In history also there marches a fiery column before Israel which consumes superstition and prejudice, and spreads light and reason. The idea of Judaism is inseparable from the ideas of enlightening and humanity. Flourishing Spain was reduced to a desert, its high culture gave room to dismal ignorance, to the enslavement of the mind, when the Jews were driven away from the banks of the Ebro and the Guadalquivir. A Jew, Baruch Spinoza, was the first to light the blazing torch which, with its glaring flame, illumined the dark abysses of human errors. He it was who first paved the way to investigating science. Wherever the keenness of thought leads to new aims, the Jews are to the fore.



Ah, do not misname it arrogance and haughty conceit! Our haters are our unwilling witnesses. It may be observed anywhere that the enemies of knowledge and enlightenment try to burden every luminary of science and human progress with the curse that has been weighing down Jewry for two thousand years — that men like Darwin, Nietzsche, Lessing, Garibaldi, Castelar, and others are falsely said to be of Jewish race.<sup>1</sup> Whenever there is the question of a prominent man of mental power and of progress, the obscurantists make their appearance and scream: "Jew!" Hate has its instincts, and if these enlightened men who are awarded us voluntarily or involuntarily are not of us by reason of denomination or origin, they still are ours in spirit.

Our haters, our sanguinary persecutors were in every epoch enemies of knowledge, of freedom, of progress, the apostles of Jew-hatred in the present day are the exponents of barbarism and baseness in public life. With the spreading of the Jew-hatred, public morality becomes degraded, knowledge and progress are

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(1) Besides these, also Napoleon, Ernest Renan, Gambetta are branded as Jews. On the other hand, names of men who actually were of Jewish blood, are passed over in silence. Michel Montaigne whose *Essays*, written in the 16th Century, inspired Shakespeare (cf. J. M. Robertson, *Montaigne and Shakespeare*, London 1909) and are even now a source of delight to many readers, was of Jewish origin (cf. Malvezin, *M. de Montaigne, son origine et sa famille*. Bordeaux 1875); so was Adam Mickiewicz, the greatest Polish poet (see the Letter of Count Xaver K. Branicki, to his nephew Count St. Tarnowski in *Brama Pokuty*). The great Polish poet Slowacki was also of Jewish blood. The great French Chancellor, Michel de l'Hôpital, who suppressed the Inquisition and brought about peace among the Christian denominations, was of Jewish descent. Edward Bellamy, English author, came from Jewish stock. (*Woschod*, August 1898, *Öst. Woch.* 1898, p. 761.) The learned Count Angelo de Gubernatis, in his lectures on Dante given in the University of Rome, tries to support by several facts his conjecture that Dante was of Jewish descent. In *Paradiso* the great grandfather of the poet, Cacciaguida, gives Dante information about his family from the time of his baptism, not, be it noted, from the time of his birth. This Cacciaguida talks a great deal about himself and his descendants, but does not say a word about his parents. In the *Inferno*, besides Judas, Caiaphas (and his colleagues) Dante does not mention a single Jew; the usurers all belong to Christian families (*Su le orme di Dante*. Rome 1901).



neglected, and man becomes the prey of his brutal instincts. Of this a thousand-fold evidence may be found not only at the present time, but also in every chapter of the history of the past.

Just as the Jew was the first exponent of the pure idea of God which raised human beings from a powerless tool of the rude powers of nature to man — he was and is still, through the fight of centuries, the exponent of the great idea of humanity which, as the last end of all human striving and creating, is the union of all the nations in the service of culture and freedom. This is the core of our Messianic idea which forms the crown of the Jewish attitude towards life, the holy dream of Jewish longing, of Jewish hope: a family of nations united in supreme enlightenment.

The ascent of mankind to the heights of knowledge, of freedom and brotherhood, this is the aim of Judaism; the relapse of mankind into its original state of bestiality, into the abyss of spiritual night, this is the aim of those who fight Judaism.

The objects of these reactionary movements have been summed up by the greatest Austrian poet, Franz Grillparzer, in the caustic saying: "From Humanity — through Nationality — to Bestiality".

## X. Friedrich Delitzsch and Ernest Renan.

### Delitzsch writes (p. 97):

The religion of Israel was not monotheism but, as one of the greatest experts on Semitic religions, Ernest Renan, pronounced long ago, mono-latry: Israel served one God, namely its special God Jaho; whether there were other gods beside Jaho, was all one to Israel, the salient point was that Jaho was the highest of all gods, and did not need to share worship with other gods.

Ernest Renan in the year 1880 read a course of four lectures in London on the subject: "What influence did Rome have on the spreading of Christianity?" and in the very introduction the following passage is to be found:

Those surely do not know anything about the history of religions who do not make it a fundamental principle that Christianity is nothing else but modified Judaism, which latter, apart from its beneficial doctrines about Love and Mercy, has the advantage that it unflinchingly puts its trust in the future of mankind and all along was familiar with the secret of how to remain cheerful in all vicissitudes of life.

To a society of learned Jews Renan once said (*Judaism and Christianity*):

You have the incomparable privilege that your book has become the book of the whole world. Thus you have yourselves to blame if all the world wants to meddle with your pursuits. The Bible, as a common possession of mankind, belongs to the entire human family. All may share in your pursuits. I repeat it again: the founders of the liberal dogmas in religion are your old prophets, Isaiah, the authors of the Sibylline books, the Jewish college of Alexandria, the first Christians, the followers of the prophets. These are the real founders of the spirit of justice in the world. The Jew, by serving the modern spirit, does in reality nothing else but serve the work to which he more than anybody else contributed in the past, and, let us add, for which he has suffered so much.

And their Bible is so unique in the world, that every syllable in it has become a subject of endless disputes. The Hebrew dictionary determines the fate of mankind. There is many a dogma that rests on a mistake in the explanation of a certain passage in your Bible, on a mistake of Jewish copyists. Many a one of your old copyists has, through absent-mindedness, determined the theology of the future.

The pure religion, in a word, which we divine to be the future bond to keep mankind together, will be the realisation of the religion of Isaiah, that ideal Jewish religion freed of all its dross.

The paradise on earth, i.e. the age of common peace, of bliss, of brotherliness, hoped for by the prophet, will blossom forth when mankind joins Israel in its worship of God.

The following sentence is of especial interest for the question of race (Renan, *L'Église Chrétienne*. Paris 1879, p. 25):

Il n'est pas d'esprit élevé qui ne doive éprouver une haute sympathie pour une race (sc. la race juive) dont le rôle en ce monde a été si extraordinaire, qu'on ne peut en aucune façon concevoir ce qu'eût été l'histoire de l'espèce humaine si un hasard eût arrêté les destinées de cette petite tribu.

No enlightened mind will refuse his high sympathies to a race (the Jewish) which played such an extraordinary part in the history of the world that it is hardly conceivable what would have become of the history of mankind if some chance had brought the history of the small Jewish tribe to a stop.

Delitzsch who fights against "Israel's delusion", a historical mission conferred on it by God, Delitzsch who reviles the God of Israel and calls him an "infamous idol", and who coined the saying that "Judaism killed the salvation of the world" refers to Ernest Renan as a witness! This is modern German science!

Finally we remind the reader that Renan categorically declared: "Jésus était un Juif", and with unaccustomed violence attacked people who dared to doubt it.

## XI. Friedrich Delitzsch and Tacitus.

Friedrich Delitzsch (p. 104) finds the plan of Haman to exterminate the Jewish people comprehensible. For "the anxiety of the nations for their own welfare cannot possibly have been a small one if Tacitus thought fit to denounce the Jewish people as *odium generis humani*".

Now we have very often drawn the attention of the reader to the fact that Tacitus did not charge the Jews with "the hatred of mankind, the *odium generis humani*". These winged words are not to be found in the section of the *Histories* dealing with the Jews, but in book XV. of the *Annals*, chapter 44, where Tacitus speaks of the Christians. In this passage he reports how, after the conflagration of Rome, the Christians, by Nero's orders, were accused of having started the fire.

The Emperor Nero was suspected of having been at the bottom of the conflagration of Rome. Therefore he tried to divert the suspicion to the Christians, as Tacitus expressly states (*Annals* XV, 44): "ergo abolendo rumori Nero subdidit reos et quaesitissimis poenis affecit, quos per flagitia invisos vulgus Christianos appellabat." On this occasion the historian (this, by the way, is very noteworthy) gives the first classic evidence of the origin and the first appearance of Christianity. For he continues: "auctor nominis eius Christus Tiberio imperitante per procuratorem Pontium Pilatum supplicio affectus erat."

Then Tacitus tells how Nero liked to proceed against the Christians. He had them tied to wild beasts and set dogs on them, or had them crucified. But in order to curry still more favor with the people, he displayed at night the horrible spectacle

of the living torches (which the Polish painter Siemiradzki represented in a striking picture), "ut ferarum tergis contexti laniatu canum interirent, aut crucibus affixi aut flammandi atque, ubi defecisset dies, in usum nocturni luminis urerentur". For this purpose Nero offered his gardens, and, in the garb of a charioteer, mixed in the crowd and performed on a chariot.

But all this was done, as Tacitus says, not because the poor Christians had been convicted of arson, but because one looked upon them as convicted of hatred against the rest of the world: "haud proinde in crimine incendii quam odio humani generis convicti sunt." But, adds the historian, the persecuted Christians were pitied as soon as it was evident that the terrible proceeding did not take place for the sake of the common good, but for the gratification of the wrath of a single wretch.

But Tacitus does not accord the Christians any praise whatever. He has only bad and ugly things to say of them. "Their faith, a pernicious delusion (*exitiabilis superstitio*) came to Rome as everything horrid and shameful flows thither." They were not liked by the people because of their virtues, but "they were odious to them on account of their flagitious vices." The name of their sect was a by-word: "quos per flagitia invisos vulgus *Christianos* appellabat."

We repeat: again and again has the passage in Tacitus 15, 44 been confounded with that in the *Histories* V, 5 where Tacitus speaks of the Jews and reproaches them with "hatred against all others". They hate the "others", that meant in Roman, "they do not participate in the banquets of the Romans, they detested the gods (paganism), they made little even of their fathers and their families in comparison to their religion. They did not kneel before statues, they did not pray to the emperors, they have no images to worship, they know only one spiritual God. They worship one God only who is eternal, unchangeable, and imperishable."<sup>1</sup>

But also as to the "anxiety for their own welfare in all the emporia of the Roman empire", (Delitzsch, p. 104), a detail of

(1) Philostratus, *Vita Apollonii de Tyana* V, 33.



the time of the Emperor Maximilianus which Professor Benndorf brought to light as the result of an investigating expedition to Asia Minor, gives extremely instructive information.

The Emperor Valerius had issued a Toleration Act in favour of the Christians: in consequence of this his co-regent Maximin had ordered the authorities to suspend the persecution; when, after the death of Valerius, having become the master of the entire Asia Minor, he felt himself safe, Maximin changed his treatment of the Christians. When the higher officials had ascertained the true disposition of the emperor, they brought about a flood of petitions for resumption of the persecution of the Christians, with which the emperor complied.

From the reports of the Church Father Eusebius, it was well known that in all the towns it was customary at that time as never before to have the petitions as well as the imperial edicts engraved on brazen columns. On the journey of investigation which Professor Benndorf undertook with two young Viennese scholars to Asia Minor, he found in the Lycian town Arykanda, on a slab within the foundation walls of an unfinished building, the fragmentary remainder of the Latin edict of the emperor, and beneath it, in a more perfect state, the Greek wording of the petition of "the people of Pamphylia and Lycia" to the Emperors Maximinius, Constantinus and Licinus to beware, in the interest of the sovereign authority, lest, by the toleration of the Christians, the worship due to the gods should suffer, and rather to do away with the wickedness of the hateful service of the godless and to order forthwith the common worship of the gods which were of the same race (Cult of Emperors). In the imperial edict, the petitioners are praised on account of their pious solicitude, and the fulfilment of their request is promised. In this manner, the emperors proved their pious reverence for the immortal gods, and that the petitioners received the worthy reward for their conduct of life.

Theodore Mommsen, in the "Archaeological-Epigraphic Reports from Austria-Hungary" (XVI, 1) published the inscription, adding the following comment:



This little contribution to the humour of universal history will, perhaps, find understanding readers outside the circle of scholars. That the bad Christian is a bad citizen and a disloyal subject and a wicked atheist we get to hear and to read with most inelegant variation. Now, the State Religion which is threatened by the Christian and persecutes this Christian as a bad citizen and disloyal subject and, above all, as a notorious atheist. The persecution of the believers of that time uses the same means against the innovating unbelief, and appeals for the same help of the State against the same, just as these same unbelievers after having become the Religion of the State, now persecute their adversaries. Thus times change, and nothing is eternal except stupidity and malice.<sup>1</sup>

## XII. Friedrich Delitzsch's Method of Quotation.

The scholars of Jew-hatred are adepts in the art of quoting falsely or of misinterpreting a correct quotation. It is the lack of reverence for the spiritual which enables them to twist the sayings of a great mind, to distort their shape, or to put a false construction on them. How many historical forgeries, how many deliberately doctored quotations had to be resorted to in order to prove the inferior value of the Jews and, consequently, the justice of anti-Semitism!

We have already mentioned that Fr. Delitzsch quotes half a saying of the prophet Amos, and thereby grossly twists the meaning. He proceeds in the same way with Renan and Tacitus. But he also quotes Goethe according to his method, i. e., he quotes a short passage torn from its context.

In its entirety the passage runs:

Before the tribunal of the God of the nations, the question is not, whether it be the best, the most excellent nation, but whether it still endures, whether it preserved itself. The Jewish nation was never very

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(1) Forged, like the pagan insinuations against the Christians, are the modern catchwords coined against the Jews. It is sheer hypocrisy and falsehood if the German Jew-haters declaim about the immense power of the Jews, of their dangerousness and their aspiration for world rule.

"We are descended from the race of Thor,  
And desire to inherit his world-wide empire!"

This was not sung by Jews, but in the meeting (November 1895) of the German anti-Semitic Reform Club in Dresden, and was responded to with frantic cheers lasting several minutes.

good, as its leaders, judges, chiefs, and prophets reproached them a thousand times; it possesses few of the virtues and most of the shortcomings of other nations; but in independence, constancy, valour, and, if all this be of no account, in vitality, it has no equal. It is the most persistent people on earth, it is, it was, and it will be, in order to glorify the name of God in all times. Therefore we represented it as a model, as a paragon for which the other nations are only framework.

Then follow remarks about the "other advantages of this people, or rather of its history, its religion", about the excellent collection of their holy books, and as a special advantage of the Jewish religion, it is commended,

"that they do not embody their God in any shape, and thus enjoy the liberty of giving him a worthy human shape, and contrarily point out the bad idolatry by animals and monsters."

It is also well-known that Goethe was directly offended by the Jewish caricatures which the actor F. A. A. Wurm presented on the stage. Thus Karl Eberwein, who for many years, had been director of the Domestic Chapel of Goethe in Weimar, reports (L. Geiger, *"The Actors and Musicians of Goethe"*, *Reminiscences of Eberwein and Lobe*, Berlin 1912, p. 33):

At Wurm's endeavour to make a laughing stock of the Jews on the stage, he was very angry and said: It is shameful to pillory a nation which produced so many prominent talents in art and science! As long as I manage the theatre, such plays will not be performed.<sup>1</sup>

There is also a saying of Sombart's which deserves to be rescued from oblivion (*Dealers and Heroes*):

"Now we understand why the other nations persecute us with their hatred: they do not understand us, but they feel our immense spiritual superiority. Thus the Jews were hated in the antiquity. And with heads erect, a contemptuous smile on their

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(1) Goethe, like many another German man of genius, shared for a time the prejudice of his environment as he frankly admits (*Goethe's Gespräche*. Gesamtausgabe von F. v. Biedermann. II, 132. Leipzig 1909): "What there was of abhorrence of Jews in my childhood was rather awe of the enigmatic, of what was ugly. Any contempt which I sometimes felt was rather a reflection of what I saw in Christian men and friends of my environment. Later on, when I came to know many ingenious, refined men of this race, respect was added to my admiration of the people who had created the Bible and of the poet of the Song of Solomon."

lips, they went through the welter of peoples on which they looked down contemptuously. They knew, why. They kept aloof from all foreign ways lest the sanctuary which they carried about with them should be defiled by the touch of infidels. Thus the Germans of to-day ought to go through the world, proud, with heads erect, in the safe consciousness of being the people of God."

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## CHAPTER XVIII.

### JESUS AND THE NEW TESTAMENT.

The *English Review* published some hitherto unknown jottings of Voltaire's in English language. Among these there is the following paragraph to be found:

When I hear Christians abuse Jews, then I feel as if children were beating their fathers.

The church is erected on the base of Semitism, and this cannot be undone. What use would it be if the whole of the Old Testament were condemned as heretical, and banished from the Church: were not the authors of the New Testament, the Apostles of the Church, also Jews? Were not the first thirteen bishops of the original congregation in Jerusalem of Jewish origin?

The race madness of a Chamberlain brought to boiling point (Chamberlain's book is dedicated to Professor Wiesner in Vienna who was born a Jew) has recourse to the insane hypothesis that Jesus was not a Jew by race (p. 214), but probably, as a Galilean, of Germanic origin. Previous to him Max Brewer roundly asserted: Christ was a German!<sup>1</sup>

(1) The Croatian daily in Agram, "Hrvatska", made a Serb of Jesus Christ; an English methodist made him an Englishman. The latter read the following address before the Malgash in Tamatave (compare *Globus* 1865. Vol. 7, p. 267 ff.):

"My friends, The French say that the religion which they proclaim to you is good. Do not you believe it. When Jesus Christ, the master of all of us, sanctified the earth by his presence he came to England and proclaimed his doctrine to us; but bear well in mind that he never put foot on French soil. From this alone you can see who has the true religion."

On the other hand, a Polish woman in Posen who stood before the judge, said: Jesus Christ probably spoke Polish, for was he not a Jew?

Friedrich Delitzsch, the standard-bearer of the German nationalists, is

"Researches have made it obvious that the body guard of Pilate consisted exclusively of low-German, namely Rhenish-Westphalian men" (*Antisemitische Korrespondenz* number 243, 1893).

Friedrich Delitzsch also treads the same paths, and declares positively that Jesus of Nazareth was of non-Jewish blood. But whoever peruses his libel *The Great Delusion* quietly and deliberately, cannot help seeing that the declaration of war of the author is not only directed against the Old Testament. His keenest judgments and condemnations hit in a far greater degree and extent the New Testament. It is superfluous to point out that the Gospels assume it as an absolutely certain fact that Jesus Christ was of pure Jewish blood, indeed a scion of the house of David, nay, that the Gospel sees the single evidence for the Messiahship of Jesus Christ in the prophecy of the Patriarch Jacob in Gen. 49, 10. How then doth David in spirit call him Lord, saying, "The Lord said unto my Lord, Sit thou on my right hand, till I make thine enemies thy footstool?" (Matth. 22, 43; 44). And Zacharias, the father of John the Baptist, the husband of St. Elizabeth, prophesied on the day when his son was circumcised:

"Blessed be the Lord God of Israel; for he hath visited and redeemed his people, And hath raised up an horn of salvation for us in the house of his servant David" (Luke 1, 68; 69).

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having an experience similar to that of a poor theatre manager. A certain Miss T. was engaged as a visiting artist. After the performance, she was asked to call upon the manager in his office, on the following afternoon. He received her graciously, discussed the weather, inquired about her family relations, and acquaintances they have in common etc. Suddenly and without any preface, the manager whispers in a low key: "Tell me my dear Miss — eh — You have something — eh — You look somewhat oriental?!" And in profound respect and admiration she replied: "You too, Mr. Manager, you too!"

Otto Hauser, a disciple of Wahrmund and the author of "Geschichte des Judentums auf Grund neugermanischer Rassentheorien", calls Friedrich Delitzsch a half-Jew. (P. 108, 116, 155 and 156). "Delitzsch speaks with the ardor of the Jewish blood in him." The aged Delitzsch repeatedly insisted upon his Christian origin; but such testimony does not appear credible to the party and the campaign comrades of the son. "Die Reichspost" of Vienna strongly suspects that he is "interested" in the destruction of Christianity.



But King David gets a bad mark for conduct from Delitzsch.

If further on, the God of the Old Testament is abused as an "infamous idol" (p. 75) and if it is asserted "that he is on a very low moral level", the "reflection of a narrow-minded and at the same time unworthy conception of God", it need not be called to mind that Jesus in the Gospels invoked only this and no other God as his father, the "God of Abraham, Isaac and Jacob". According to Mark. 12, 29 Jesus pointed out as "the most superior prayer" the saying of the Jewish creed: "Hear, O Israel; the Lord our God, the Lord is one," which is to be found literally in Deut. IV, 4.

The authors of the New Testament are informed with the deepest conviction that Moses received the living word of God, to give it to mankind (Acts 7, 38), that the personalities of the Old Testament were holy men of God, and that their utterances were inspired by the holy spirit. (II. Petri 1, 21.) To Delitzsch they were of the lowest moral inferiority.

In the New Testament we read that Jesus himself spoke the word: "Salvation is of the Jews" (John 4, 22). Friedrich Delitzsch, however, asserts that the Jews "have killed the salvation of the world".

Hegel calls the Jews "the people of the spirit", Ibsen refers to them as the "nobility of mankind", to Friedrich Nietzsche they are the "ethical genius among the peoples".<sup>1</sup>

All those thoughts which mankind calls its highest and most sublime were given it by the Jews, and Paul (Romans 3, 1; 2) when asked: "Which preference have the Jews?" answered, "Forsooth, very many; firstly, to them is confided what God has spoken". And in chapter 9, 4; 5: "Who are Israelites; to whom pertaineth the adoption, and the glory, and the covenants, and the giving of the law, and the service of God, and the promises; Whose

(1) Aristotle tells of having met a Jew in Asia Minor compared with whom all Hellenes appeared as wild beasts. Another saying of Aristotle is reported to the effect that in India the philosophers were called Kalanders, in Syria Jews (Josephus, *Contra Apionem* I, 22).

Theophrastus (about 287 B. C.) calls the Jews a race of philosophers (Dio- genes Laert. 8, 24; Zeller 3, 378).

are the fathers, and of whom as concerning the flesh Christ came, who is over all, God blessed for ever. Amen."

Why does not Professor Delitzsch say openly and honestly that the whole New Testament also belongs to the chapter of "The Great Delusion?"

Among the authors of the New Testament there was not a single non-Jew and all emphatically insisted that they belonged to the Jewish people.

Thus Paul (2 Corinthians 11, 22): "Are they Hebrews? so am I. Are they Israelites? So am I. Are they the seed of Abraham? so am I."

When I was in Rome I came to the place which may be designated as the centre of Christianity, to the Square of St. Peter's Cathedral. Round about it is the magnificent colonnade, in the middle the great obelisk which formerly stood in the circus of Nero. Sixtus V. had it removed thither. And what words did I read there? The words: "Vincit leo de tribu Juda" (The lion of the tribe of Judah conquers).

It was Jews who trudged through the great Roman empire, fearless of the rack, of crucifixion and stoning, in order to proclaim the Christian doctrine of salvation. The twelve poor Jews are worshipped as Apostolic Princes by Christendom. When Delitzsch proclaims: Judaism killed the salvation of the world (p. 94), he is also passing sentence upon Christianity, only he lacked the courage to do so directly.

Kurt Breysig, professor of history at the university of Berlin, in his book *Social History of Modern Times. Comparative History of Evolution*. (Berlin 1901. Vol. 2, p. 678) says:

Everything, but really everything that exalts Christianity above the other religions is of Jewish origin; thus, above all, the unheard-of fervour of the worship of God, and the creation of the personal one God.

Neither the Greeks, nor the Romans, nor the Germans conceived ever the idea of a single, supreme, and yet personal God, still less has one of these ruling nations of history brought itself to bow so humbly before the representations of its faith as did this brooding tribe of shepherds and peasants in its youngest years.

The former British Premier Balfour said, during the proceedings of Parliament in the year 1905:

The treatment of the Jews is the greatest ingratitude on the part of Christianity, an ingratitude which stains the sublime name of Christianity which in the Middle Ages was the cause of terrors which nobody, be he ever so superciliously acquainted with the facts, could read without a shudder.

Harnack, in *The Mission and Propagation of Christianity in the First Three Centuries*, p. 50, says:

Such ingratitude as that of the Pagan Church toward Judaism is almost unheard-of in history. The Pagan Church denies her everything, takes away from her the holy book, and while she herself is nothing else but Judaism transformed, she cuts off every connection with her: the daughter casts off the mother after having robbed her.

On page 210 of the same work, he says:

In the history of the missionary period of Christianity, the New Testament was far from having the importance of the Old Testament.

Writing of Tertullian, he says:

The impression which the Old Testament (and successively the New Testament, also) made upon a part of the educated Roman World cannot be estimated too highly. In European history, there is no other example of a book springing up and exercising such an influence. The flood of Greek books which overwhelmed Europe about the fifteenth century, despite Homer and Plato, was decidedly weak in comparison with the Biblical.

The absurd hypothesis that Jesus Christ was not a Jew is disposed of by the anti-Semite Eugen Dühring in *The Compensation of Religion* as follows:

That poor makeshift hypothesis that Jesus was not a Jew by race, when looked at closely, is sheer arbitrariness and would never have been set up but for the wish to save Christianity of to-day the odium of a purely Jewish origin and besides the reproach of having as object of its worship or, at least, of its moral respect, a Jewish tribesman.

And if he had not been a Jew by race — what would anti-Semitic science gain by it?

"Is it only the blood that makes the father?" says Recha, "the blood only?"

He who instructs the child of another man, who cultivates his mind, adds to his knowledge, broadens his outlook, makes it thereby his own child (*Yalkut* on *Exod.*) becomes his father, his creator, more than his father (*Tosephta Horayoth*). And Emil Schürer (*History of the Jewish People in the Time of Christ* I, 1)

says: "No fact of the evangelical history, not a word of Jesus Christ is thinkable without the premise of Jewish history and of the whole mental world of the Jewish people."<sup>1</sup>

German Nationalists of Austria, under the leadership of the former member of parliament, Georg Schönerer, refer to Christian anti-Semitism contemptuously as the fight "of those who are Jews inwardly, against those who are Jews outwardly", and invented the catchword, "Away from Christianity!" giving as their reason that also the new covenant, "the mass of scriptures collected in the New Testament essentially maintains a Jewish racial character, that here also the wrath of God is soothed by a sacrifice, and that a commercial give-and-take transaction comes off".<sup>2</sup> The controversial book of Delitzsch, *The Great De-*

(1) In a lecture delivered in Nordhausen in May 1922, R. Kittel of the Leipzig University said: "Jesus breathed Judaism. Looked at from this point of view, the question of what blood he was vanishes into thin air. Most of the genuine sayings of Jesus may be traced back to the Old Testament. Religiously, then, he was altogether a child of his people. The Old Testament, to him, was infinitely superior to the religious trifles of his time.

Under the title "Die Herkunft Jesu" (The Origin of Jesus), there appeared in München-Innsbruck a book which was received with great enthusiasm in all pan-Germanic circles. The author, Dr. Emil Jung, who investigates the origin of Jesus "in the light of free research", and "unhampered by all ecclesiastical and dogmatic considerations", establishes as "an actual historical fact" the following: "Mary, a poor country-girl, native of a Samaritan village, fell a victim to the brutality of a Roman captain by the name of Panthera. Joseph, her betrothed, upon finding that his fiancée was with child, not wishing to cast her out publicly, commanded her to go quietly to Judea, and there to stay for her lying-in and to await his further instructions. But Mary was unexpectedly overtaken by child birth pains upon the way and gave birth to her son, Jesus, in a cave. Joseph adopted him as his own child, married Mary, and moved from Samaria to Nazareth. There were six children by this marriage."

The pan-Germans hail Jung's "demonstration" as "absolutely unassailable"; by it, "Christ and Christianity are saved to the Aryans". Dr. Jung bases his disclosure on the statements of the heathen Celsus quoted by Origen. The Talmud also mentions a similar legend about the origin of Jesus. Of all the numerous books of which the Talmud consists, this is the only passage which the pan-Germans unqualifiedly approve.

(2) Plato (Antyphron 14) says of the Greeks that, to them, religion was



lusion, by demolishing the entire credibility of the evangelical records, completely destroys the Christian dogma. If such large parts of the Gospels are "delusions", where is the guarantee that just the remainder contains historical truth?

It is not unimportant to call to mind that Eduard von Hartmann who also once published a scathing criticism of the Old Testament wrote a paper not less cutting against the New Testament as well -- but he hid himself under the pseudonym of F. A. Müller (*Letters about the Christian Religion*).

More honest and more robust was another precursor of Professor Friedrich Delitzsch, namely his brother-professor Paul de Lagarde in Göttingen. His much read *German Papers* bristle with profane effusions about the Old and New Testaments, and he goes the length of saying:

A son of God who saw the light in Nazareth is of no avail to anybody who, 1878 years after this date, has to readjust God and Creation.

The sham learning by means of which Jesus Christ has to be de-Judaized makes no impression on the masses either.

Under the heading *Revolting Lack of Taste* the "Schlesische Volkszeitung" and the "Germania" voiced their just indignation:

"All fair-minded people are deeply disgusted and hurt at the sight of a vile, wretchedly lithographed picture-libel which

barter. "They enter a sort of agreement with the god; if he receives what is his due it is also his duty to perform what is expected of him." —

The reverse of this is the view of the Hebrews as expounded in the Book of Job.

"An important point against which the Book of Job fights is the conception of ethics as a sort of commercial give-and-take transaction between God and mankind. 'Can a man be profitable unto God, as he that is wise may by profitable unto himself?' Thus says Eliphaz (Job 22, 2). In other words, it is impossible to acquire in dealing with God, an asset on which he may rely. — So writes the Christian scholar Hugo Dingler, in *The Culture of the Jews* (1919, p. 103).

Maimonides (*Mishne Torah, Hilehot Teshuba* 10, 5) teaches that the reference to reward and punishment of God is only an educational device "for children, women, and generally for Ame Haarets" the unlearned. When grown in wisdom they are enlightened to serve God from love, to do what is right for its own sake.



is to be seen in the window of a bookseller's shop in the Taschenstraße in Breslau. We are astonished that a catchpenny 'bookseller' in the town of a Christian State which, besides, is the residence of a Catholic Ecclesiastic Prince should dare to parade such a rag manufactured by a wicked, sacrilegious blackguard for the sake of gain and blasphemy. A group of half-grown lads, pupils and apprentices, crowded the window and imbibed the dangerous poison which the 'bookseller' is desirous of administering. Just listen: The crucified Saviour is represented surrounded by grotesque caricatures who mock at and bespatter him in the most shameless way. The legend *The Fable of Christ* crowns the infamy of the daub and reveals its base intention.

"We have come to a pretty pass if the atheist rabble is permitted to proceed so publicly and bare-facedly in its sacrilegious doings against the most sacred ideals of the nation, of Christianity."<sup>1</sup>

As may be read in the Berlin "Germania" of the January 3, 1922, a German disciple of the university urged in a letter to the "Freiburger Tagespost":

A new generation is at work, and returns to the sun faith of the fathers, of the German fathers, and refuses to be ruled by the first Jewish defeatist (this is meant for your Jesus Christ). Our German Bismarck is too high, worlds higher than any international Jew — whether his name be Professor Kantorowicz or Jesus of Nazareth!<sup>2</sup>

(1) That the disgust of the two Catholic papers is just, nobody will deny, but they should not have passed in silence the fact that the fabrication was an anti-Semitic one produced by a special anti-Semitic publisher.

(2) Since a follower of the Wotan-cult in Munich disturbed a "Heart-of-Jesus" service by the cry: "Can Jesus help us who himself was a Jew?" there arose the suspicion among the Vienna clerical anti-Semites that Friedrich Delitzsch may himself be in the hire of the Jews. The Vienna *Reichspost* (evening edition of the 17th June 1821) exhorts Catholics to leave off reviling the ancient Jews:

"Sometimes we have the impression as if certain people had an interest in trying to exhaust the energy of the anti-Semites in a fight against the ancient Jews for which the Jews of the present time do not care a bit, and thus, circuitously, by means of a fight against the Bible, to give a mortal blow to Christianity. Practical anti-Semitism takes up the fight against conditions of the present that most deserve to be combatted: to sound an attack

Under the title *The Realm of Irony* an admirable book was published several years ago about the social and esthetic bearings of irony. The ingenious author traces the metamorphoses of the psyche through the ages, and points to the element of irony as a motive power of social evolution, the irony of fate. The irony lies to a high degree in the fact that very often instead of the expected butterfly, there crawls from the larva only a loathsome worm which excites our disgust and laughter.

To quote one instance:

The thousands upon thousands of human sacrifices which the destruction of Tsarism required brought nothing but Bolshevism, a new shape of bondage.

The ironical conduct of the Genius of the World, in striving for the realization of the aims of the evolution of history, is very often manifested by pressing into its service those elements which are virtually most strongly opposed to these aims. While striving with all their might and passions in the opposite direction, these elements arrive all at once, through their own energy, at a point which they least desired to reach, and realize that they have brought about the destruction and disintegration of the

on the Jews of past ages is either a piece of Quixotry or something worse; perhaps even Semitic tactics" (II).

This admonition will make no impression, as they already made the discovery that Christianity also is infected by the so-called "foetor Judaicus".

In *The Spirit of modern Nations*, October 1896, p. 154, Kufahl writes:

"The notion of 'Mental Jewry' has a very wide scope, for the muck which was communicated by the Jewish spirit to all nations that came near it must not be underrated; but one blossom of it, Christianity, is enough. Its evil odour suffices to fill us with repugnance to other unsavoury products. To us, Christianity is only Neo-Judaism, the Jewish traits of which — we mention only the hypocrisy of the love of our fellow-men and enemies — are incompatible with the feelings and ideas of modern superior nations". Compare also *ibid.* June 1896, p. 99. Even those who forsake Jesus for Wotan merely jump from the frying pan into the fire, for it just happens that in later German folk-lore Wotan is dubbed "The Jew"; the "Wotan oak" became the "Jew oak". (W. Golter, "Handbuch der Germanischen Mythologie", p. 301; Wäste, "Wörterbuch der westfälischen Mundart", p. 115.)

very ideas, to the strengthening and dissemination of which they had devoted all their spiritual forces for generations.

The Witches' Sabbath of our latest history exhibits all the traits of the irony of fate.

The attacks aimed at Christianity, from the time it became a ruling power, by pagans, philosophers, and rationalists were always of too subtle a nature to produce any effect in the depths of the popular mind. For the first time in centuries, the national instincts of the Western peoples, the malignant emotions of racial hatred, are let loose against the basic records of Christianity, and those who set ablaze these passions pretend to be the authorized guardians of the Christian idea. The Christian zeal, while striving to exclude and repel everything non-Christian, arrives at the negation of Semitism, at the wicked blaspheming of the Apostles, and at the disgraceful disparagement of all those figures and types which constitute the centre of the Christian cult.

The antisemite Dühring may prove in the right after all in saying about Christianity:

"Christianity may yet find its last champions in the Jews, after having lost them everywhere else.

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## CHAPTER XIX.

# THE COMMANDMENT TO LOVE OUR FELLOW-MEN.

Never before have intolerance and uncharitableness, hatred and mania of persecution created greater devastation in the hearts of the peoples than since the commandment, "Love thy neighbour as thyself", became the watchword, the cue, it may safely be said, the battle-cry of the religious parties. The dispute as to which religious persuasion preaches the most perfect and most ideal altruism has ripened more hatred and disunited more human hearts than all the mythologies of paganism together.

The ancient Fathers of the Church were conscious of their connection with Judaism, were intimately conversant with the Old Testament and careful to make palpable the connection between Christianity and the scriptures of the Old Covenant; and they always insisted that in regard to this commandment there was perfect harmony between the New and the Old Testament.

Origen, *De principiis* liber II, c. 4:

We must prove, contrary to some false-believers, that the same God who gave the law through Moses, and who sent the Prophets is also the father of Jesus . . .

The Saviour and his Apostles acknowledged the authority of the Old Testament and refer to it. He speaks of his father as the creator of the universe. He proves his sayings from the proverbs of the Old Testament as, for instance, thus: I am the God of Abraham, &c. Paul gives explicitly to understand (2 Tim. 1) that he as a Christian still serves the same God whom he served from his forefathers and as a Jew. He also repeats the promise of the law (for instance Ephes. 6) . . .

But our adversaries must not plead that to the God of the Old Testament are attributed wrath, repentance and all sorts of qualities, as if on

this account he were another god: for in the New Testament there also occur such things about God as in Luke 14. They further say (thus Origen, cap. 5, continues) the father of Christ is, to be sure, a good God, but not a just one whereas the God of the Old Testament is just, but not good . . . But there are evidences of kindness in the God of the Old Testament and evidences of severity in the God of the New Testament.

### Irenaeus teaches:

The faith of Abraham is also our faith, and the principal tenets of the same were already foreshadowed by the words and deeds of the patriarchs . . .

Besides, the two Testaments, the Old and the New, are already suggested at the birth of Abraham and Tamar, and the God in the Old and in the New Testament is one and the same . . . (*Contra haereses* IV, 21).

The Apologetics of the Fathers of the Church, e. g., Tertulian's *Apologeticum* or Tatian's *Discourse against the Greeks* or Justin Martyr's *Apologia* all urge that the religion of the Christians differs from that of the Jews only in the expectation of the Messiah.

Errant ergo ii (Judaei) de primo Domini adventu, atque inter nos et ipsos est solum dissidium.

"Thus it is settled, as also the presbyter asserted, that the same God is the author of both the Testaments" (Iren. IV, 21—33).

The church very soon got beyond this stage. Later schools tended more and more towards a separation from the Old Testament, the knowledge of which was gradually lost. Thus it came to pass that the Jew came to be hated and fought "because his religion despises charity". When, in the Middle Ages, a clergyman was given proof that the precept "Thou shalt love thy neighbour as thyself" was to be found in the books of the Old Testament he was surprised and indignant. He was convinced that the malice of the Jews had falsified the Old Testament for the purpose of cunningly wresting from Christianity the priority of its higher morals. Eight days afterwards all the houses of the Jews were set fire to and pillaged in order that the Jews should not again get it into their heads to question the higher quality of Christian charity.



After the renaissance of letters, it began to dawn on people that with such arguments this question could not well be settled definitely. Other methods were pursued. Who is the "fellow-man" to whom the Old Testament accords love as his due? No doubt — only the Jew. Consequently the commandment is meaningless. Innumerable books and pamphlets, full of poisonous hate and incendiary matter, were written against Judaism, by theologians and non-theologians, in the name of that higher altruism which is taught in the lessons of Christ and, ostensibly, is not contained in the Old Testament. Thus the Jews were chastised in the name of altruism, and only the satirist was lacking to scourge with artistic master-hand the folly of mankind. If the Christian commandment of love for the fellow-man applies also to non-Christians, why were the Jews persecuted mercilessly for centuries? But notwithstanding this inner discrepancy there was at least a theoretical acknowledgment of the love towards one's fellow-man; while boasting of it, without possessing it, its value at least was recognized, it was bowed to, it was made a banner to be carried before the people, although in actual practice it was constantly maltreated. The idea of love of the fellow-man remained, officially at least, the highest religious idea until the new epoch began. Now one is tired of the equivocation. Hatred, and not love, is exalted and honored. The preacher of Jew-hatred, Dr. Lueger, was able to boast — of having again filled the churches.

In the meeting of the Lower Austrian Diet on the 6th of April 1892, the Curate Schnabel declared:

Christian love of the fellow-man is based on the maxim: Love thy fellow-man as thyself. Love of fellow-man begins with one's self. This is the true Love of the fellow-man as Christ the Lord preached it; then, and not before, come the blood-relations. First comes one's own person, then the parents, then the brothers and sisters, then all the others who are nearer to us. This is the law of nature. Since the Jews are farthest from us, they come last.

Not one of the many fellow-priests present contradicted the speaker; a protest was made by only some of the laymen who, strictly speaking, are no longer of the fold.

In the Vienna paper "The Fatherland" (organ of the conserv-

ative nobility and of the bishops of former Austria), in the number 129 of the 12th May 1889, a leader on the first page declared:

And where, then, is it written that one ought to love all men alike? Is not the father nearer to the son than a stranger? Is not the co-national nearer to the co-national, the Christian to the Christian than to the latter a heterodox, to the former a stranger? There are degrees in altruism, and these degrees of love correspond to the degree of the duties which arise from it. We, the Christian Austrians, have to bestow a higher degree of altruism on our correligionists and co-nationals than on the foreign intruders.

The article was signed by the initial W. (probably Professor Wahrmund).

Ever memorable to me is an episode of Vienna life. It was the 17th September, 1890; the Jews were celebrating their Day of Atonement and praying in the synagogues, that God might enlighten the nations so that all might effect a fraternal union. There was, on the same day, a meeting of the Liberal Party in order to prepare for the elections for the Diet of Lower Austria. Father Emanuel Pauk with his followers, "the united Christians", attended this meeting in order to break it up. The Mayor of Meidling was of the opinion and gave it expression in his speech, that a priest of the Catholic Church should preach "Christian Love of one's fellow-man". Against these arguments Father Pauk most emphatically replied:

He would never do this in regard to the Jews. He did not want to be more Christian than Christ. And if Christ had driven the Jews from the Temple, he, too, wants to drive the Jews from the Temple of the Christian society, but not only metaphorically. As long as he would be able to work, anti-Semitism in the municipality would certainly not decrease, but increase. (Tumultuous cheers of the partisans of the speaker are reported in the account.)

In modern times it is Friedrich Delitzsch who, while reminding the German nation of the Persian Grand-Vizier Haman as a patriotic statesman, also says that the most beautiful human virtue, the love for one's fellow-man, is, in the Old Testament, reduced to a minimum (*The Great Delusion* I, p. 103; II, p. 42).

In the Austrian Parliament an anti-Semitic German nationalist member, Theodore Türk, once demanded that the State, before

granting autonomy to the Jewish communities, should first ascertain:

If the love of one's fellow-man in the Talmud and in the Jewish books is just as unqualifiedly applicable to all human beings without regard to Creed and Race as with us Christians?

I replied that there never was occasion to perceive such a broad-minded conception of the love of one's fellow-man in the anti-Semitic party. I went on to say:

But he ought to inquire whether it had ever happened that a poor Christian had in vain asked for alms at the door of a Jew; he ought to ask whether from the house of a Jew a Christian had ever been roughly repelled with the cry: "No Christian lives here!"

I read a long list of considerable donations and grants from Jewish benefactors for Christian charity institutions, and I asked Türk, whether he was ready to present such a list of donations for Jewish sick and poor from his brother Jew-baiters?

Likewise it seems to me that a linguistic dissertation about the origin and scope of the word "Rea" in the Biblical maxim, Thou shalt love thy fellow man as thyself (Lev. 19, 18), would be a futile and superfluous occupation. The eternal content of Judaism, its meaning and its mission, need not be distilled by means of philological dialectic. Much more than word, speech, and writing is the materialization of the idea in the lives of personalities. Israel's conception of the duty of loving one's fellow-man has been an empirical fact since the beginning of its history, was revealed by its progenitor Abraham when, before God, he pleaded for the sinners of Sodom, and "with genuine Jewish importunity" begged for mercy and forgiveness for aliens in blood, for the inhabitants of an idolatrous town which had incurred the judgment of God.

The Prophet Isaiah points to Abraham as the prototype of piety, as the bearer of God's blessings. His image is placed before our souls for us to fashion ourselves after it.

Hearken to me, ye that follow after righteousness, ye that seek the Lord: look unto the rock whence ye are hewn, and to the hole of the pit whence ye are digged. Look unto Abraham your father, and unto Sarah that bare you. Isaiah 51, 1; 2.

Love and mercy, thus teaches the Talmud, are the common

inheritance in the blood of every single descendant of Abraham, as a primeval virtue of the soul enduring through all the changes of time.

He who shows pity to creatures is sure to be of the seed of our Patriarch Abraham, and he who does not show pity to the creatures, is sure not to be of the seed of our Patriarch Abraham. *Betsa* 32b.

The expression "Briyoth", "creatures", does not admit of the popular tricks of interpretation; that "creatures", "Briyoth" mean all human beings without exception, the most refined dialectician cannot possibly dispute.

This tribe had three characteristics: mercy, shamefastness, and charitableness. *Yebamoth* 79a; *Midr. rabba* Bemidbar, Cap. 8; *Midr.* Psalm 17.

Again and again mercy is declared to be a racial characteristic of the descendants of Abraham.

The dignity of the creatures (Briyoth) is so great that it even abrogates a commandment of the Torah . . . *Berachot* 19b; *Erubin* 41b; *Sabbath* 81b; *Menachot* 73b.

Here also the word "Briyoth" was not chosen unintentionally. In this spirit Hillel teaches:

Be of the disciples of Aaron: Love peace, strive after peace, love the human beings (Briyoth), and bring them nearer to the Torah. *Aboth* 1, 12.

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## CHAPTER XX.

### IMITATE GOD IN WORKS OF LOVE AND MERCY!

According to the *Mechilta* and *Sota* 14a (compare also Philo, *De virtut.* ed. Cohn-Wendland, § 168) the commandment "Ye shall walk after the Lord your God" (Deut. 13, 4) means, Follow the example of God; as he is merciful, be thou, too, merciful. As the love of God is infinite, and knows no discrimination between friend and enemy, thus men ought to love one another. Therefore to the commandment, "Thou shalt love thy neighbour as thyself" the suggestive words are added: "I the Lord".<sup>1</sup>

In Philo, "De virt." (de caritate) edition Cohn-Wendland, p. 160, we read:

"Thou seest then how this wonderful goodness of the lawgiver at once embraces all men, without distinction, whether friends or foes."

In Philo, "De specialibus legibus", IV (de iudice) same edition, p. 73 (Cf. Deuteronomy 13: 5):

What more sublime goodness can there be than the imitation of the Eternal God by mortals?

Bishop Chrysanth, in his book *The Religions of the Old World in their Connection with Christianity* 1878. III, p. 326, says:

In a religion which alone among all the religions had a clear conception of the descent of all men from an only father, and which rated the value of the human individual so highly, there could not possibly be any room for a discrimination between people and people, for a divi-

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(1) Josephus, *Ant.* Introduction, says: The other teachers of law, following the myths, transfer the shame of human sin to God thus countenancing evil. In contrast to this ours represents His essence as pure virtue which all men should take for a model in their conduct.



sion into higher and lower races, into inherently barbaric and non-barbaric tribes. The Jews were the only people of the old world which had the right, all-embracing historical outlook which even the Greeks, this most distinguished among the peoples of antiquity, lacked. They could never lose the consciousness of the unity of all nations and of the higher common purposes of existence of the entire mankind. Their isolation had only a temporary significance and led to opposite goals.

Paul Pfluger in *Socialism of the Israelitic Prophets*, 1914, p. 3:

Here (in Micah 6, 8) moral performance of duty, common love of mankind and reverence of God are pointed out as the quintessence of religion and morals. Love of mankind and reverence of God — the nature of an essentially ethical religion could not be more pertinently defined!

Professor Dr. Weiss of Berlin, in an article *Jesus and Paul* wrote (in the March number of the *German Revue*, 1917):

The belief is wide-spread that Jesus, on the strength of his peculiar religious consciousness, taught the conception of God as a loving Father, in contrast to the wrathful God worshipped in the religion of Israel. But this opinion is based on an absolutely one-sided conception of the Old Testament which formed the basis of the religion of Israel. This nation had praised the love and grace of its God in such sacred tones that we (the evangelical Christians) cannot, to the present day, find in our liturgies and songs a richer expression of them than the words of the Psalms and Prophets. Others take it that the centre of the doctrine of Jesus is a new moral duty. But Jesus put his fundamental demand of the love of God and of one's fellow-man into the garb of Old Testament words; and if, as specifically new in his moral demands, the love of the enemy is pointed to, then it has been forgotten in what touching examples the Old Testament has presented this, and in what golden proverbs it has impressed it. According to the doubtless genuine tradition, Jesus did not come forward with a new moral demand.

In all those passages of the New Testament where the commandment of the love of one's fellow-man is mentioned, it is always as a quotation, with the single exception of John 13, 34.

In the Gospel of Luke the commandment is not quoted by Jesus but by the Pharisees.

And, behold, a certain lawyer stood up, and tempted him, saying, Master, what shall I do to inherit eternal life? He said unto him, What is written in the law? what readest thou? And he answering said, Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy strength, and with all thy mind; and thy neighbour as thyself. Luke X, 25—27.

It was Jesus, then, who asked for the passage in the Scriptures, and who was answered by the Pharisees with the quotation.

A Pharisee asked Jesus, Master, which is the great commandment in the law *en to nomo*, the well-known expression for Torah, Pentateuch). Jesus said unto him, Thou shalt love the Lord &c. . . . This is the first and great commandment. And the second is like unto it, Thou shalt love thy neighbour as thyself. Matth. 22, 35—39. Similarly Mark. 12, 31.

Here Jesus was not asked about the content of a commandment, but which among all the commandments was the fundamental commandment, and he answered just as Hillel answered the Pagan *Sabbath* 31a<sup>1</sup> who wished to be taught the entire content of religion while standing on one foot<sup>1</sup>, with the maxim, "Do not to thy neighbour what is hateful to thee", adding: "This is the law, the rest is only commentary", or as Rabbi Akiba and Ben Azai spoke of the "Great Commandment" (*Sifra* on Lev. 19, 18).

That the Gospels quote the commandment of love of the neighbour from the Pentateuch without adding an explanation, proves that in the New Testament also the word "Rea" has no meaning other than that of the Old Testament.

The passage in the Sermon on the Mount (Matth. 5, 43; 44) seems to have a controversial point:

Ye have heard that it hath been said: Thou shalt love thy neighbour, and hate thine enemy. But I say unto you, Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you.

A saying to the effect that we ought to hate the enemy is not to be found in the Old Testament. Besides, the commandment to love the enemy and to pray for him, is strongly at variance with a passage in the Apostle Paul (2. Timothy 4, 14):

Alexander the coppersmith did me much evil: the Lord reward him according to his works.

Did Paul know the matter of the Sermon of the Mount, and how did he interpret it?

As to the "enemies" in Matth. 5, 43, these evidently are cer-

(1) על רגל אחת. This idiom is also met with in Horace (Sat. I, 4, 10): versus dictabat, stans pede in uno.

tain sectarians. Epiphanius reports (*Adversus octoginta haereses: haer. XIX*) of a Jewish sect of the Nazarites which was founded before Jesus, and "knew nothing of Christ". They are Jews by birth, observe circumcision and Sabbath like the other Jews, believe in the Patriarchs from Adam to Moses, but do not accept the five Books of Moses which they say were not written by Moses, but invented by somebody else. They, further, reject the cult of the temple, and abstain from eating meat. This sect denied the bodily resurrection and evidently belonged to the Minim in the Talmud and in the Mishna "who sow envy and hatred, and throw the torch of discord between Israel and the Father in Heaven" (*Tos. Sabbath XIII, 5b; Sabbath 116a*).

And if somebody is pursued by a murderer or a serpent he prefers to make his escape into a pagan temple, only not into the houses of these people; for the Minim know and deny; while the pagans deny from ignorance &c. *Sabbath 116a* and in other passages.

Literally the same is to be found in the militant enemy of heretics, Irenaeus:

And they who call themselves "perfect" and the possessors of all-knowledge are found to be worse than the pagans and as scandalous even to the Creator. Irenaeus, *contra Haeres. II, 9, 2*.

Philo, too, mentions those gnostic sects of the Kainites which he denounced as highly dangerous and pernicious to the existence of Judaism which, as "imitators of Kainitic perversities", as he literally complains, "went so far in their wicked unrighteousness and conceit that they exerted themselves to call forth doctrines, and even subdued the orthodox multitude of Israel by forcing leaders and teachers in these wicked works upon them" (*De Posterit. I, 235. Ed. Mang.*).

The first Epistle of Paul to Timothy warns against these gnostics (1. Timothy 6, 3—5):

He is proud, knowing nothing, but doting about questions and strifes of words, whereof cometh envy, strife, railings, evil surmisings, perverse disputings of men of corrupt minds, and destitute of the truth, supposing that gain is godliness; from such withdraw thyself.

At these heretic sects which were quite as odious to the leaders of the young Church as to the Rabbis the execration formula in the Shemone-Esre Prayer was doubtless aimed.

In connection with this, the controversy in *Aboth de Rabbi*

*Nathan* (Kap. 16) to which we have already referred on p. 200 is instructive:

We must not even intend to say: Love the scholars, and hate the pupils, or: Love the pupils and hate the ignorant, but: Love all of them, and hate the sectarians (Minim), the apostates (Meshumadim), and the informers, as David also says (Ps. 139, 21; 22): Do not I hate them, O Lord, that hate thee? and am not I grieved with those that rise up against thee? I hate them with perfect hatred; I count them mine enemies. In this sense it says (Lev. 19, 18): "Thou shalt love thy neighbour as thyself; I am the Lord." This means; "I have created him, and if he serves the cause of my people, thou shalt love him, but if he does not, then thou shalt not love him."

Contrariwise Rabbi Simon ben Eleazar says: "With a great oath this word has been proclaimed: "Thou shalt love thy neighbour as thyself: I am the Lord." I have created him. If thou lovest him, I shall keep my word, to reward thee, if not, I shall be an avenging judge.

Rabbi Simon ben Eleazar, then, turns against the opinion, that the sectarians, the Minim, the enemies of God and of the people are not to be loved; he explains that the commandment of loving one's neighbour is under an oath and that the addition, "I am the Lord", is a caution not to misinterpret this commandment, nor to attempt to qualify it.

This is exactly what Jesus says in the Sermon on the Mount, namely, that the commandment of loving one's neighbour comprises also the sectarians. It is very important that in this passage of the Sermon on the Mount (Matth. 5, 43) evidently friend and enemy are Israelites since as a contrast to friend (rea, plesion) the enemy (echthron) is mentioned, thus both as co-nationals.

Even in the Epistles the love of one's neighbour occurs only as a quotation from Lev. 19, 18. Thus Rom. 13, 9; Gal. 5, 14; Jac. 2, 8.

Only the Gospel of John, 13, 33—35, is an exception. There it says:

Now I say to you. A new commandment I give unto you, That ye love one another; as I have loved you, that ye also love one another. By this shall all men know that ye are my disciples, if ye have love one to another.

Here, indeed, the commandment of love appears in a new shape. Here Christians are to love one another.

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## CHAPTER XXI.

### THE LOVE OF GOD.

#### I. Fear and Love.

Wellhausen, in the chapter *Jewish Piety* of his *History of the Israelites and Jews*, says:

The motive of morals by which they become religious is the fear of God. God is a severe master. He rules vassals whom he calls from the dust, and again changes into dust.

The desire for an impressive formula for the new idea of God appearing in the world together with Christianity, and for a new cognition of God led Wellhausen to the proposition that "the lesson of Christ set the motive of love against the fear which guided the Jewish conceptions of God" by comparing the relation of God and man to that of father and child.

Wellhausen bears the Old Testament an irreconcilable grudge because at every step he feels the dependance of Christianity on Judaism; the futile struggle against this dependance misleads him. The poetical and the Prophetic books of the Bible are full of the love of God.

As the hart panteth after the water brooks, so panteth my soul after thee, O God. Ps. 42, 1.

Henry Ward Beecher wrote on this saying:

In the literature of the whole globe there is not another such devout outburst to be found, and this is only one of ten thousand utterances of the yearning of the Jewish mind for the divine.

Other passages:

My soul longeth, yea, even fainteth for the courts of the Lord; my heart and my flesh crieth out for the living God. Ps. 84, 2.

Yet I will rejoice in the Lord, I will joy in the God of my salvation. Habakkuk 3, 18.



With my soul have I desired thee in the night; yea, with my spirit within me will I seek thee early. Isaiah 26, 9.

Thus saith the Lord, I remember thee, the kindness of thy youth, the love of thine espousals, when thou wentest after me in the wilderness, in a land that was not sown. Jer. 2, 2.

The Lord hath appeared of old unto me, saying, Yea, I have loved thee with an everlasting love: therefore with loving kindness have I drawn thee. Ibid. 31, 3.

The Bible characterizes the relation of God to Israel at one time as that of a bride to her bridegroom, at another of a wife to her husband, at another as that of a child to father or mother.

Can a woman forget her sucking child...? yea, they may forget, yet will I not forget thee. Is. 49, 15.

Israel is my son, even my firstborn. Exod. 4, 22.

Ye are the children of the Lord your God. Deut. 14, 1.

Like as a father pitieth his children. Ps. 103, 13.

The ingenious linguist Karl Abel once wrote a very interesting essay (1888) *On the conception of love in some old and modern languages*. The material for his most interesting investigation are the words of the different peoples. He sets out with the idea "that the words of a language express the most usual and most deeply felt thoughts of a people", "that in them the most essential traits of spiritual life are rendered in a genuine and undubitable expression, that its natural disposition, its experiences, its history are reflected in these authentic records". He chose the notion of love for his investigations because the varying forms of it in the different languages are fit to characterize most accurately and deeply the spirit of the various peoples. "Describing so powerful and yet so tender a feeling they permit a deep insight into the heart of those who created and use them." Finally the author comes to the conclusion that the ripest, the deepest understanding of the notion of love has been disclosed to the mind of Jewish people; that the Hebrew word for "love", reveals the highest conception of love in its three aspects: the love of God to man, the love of man to God, the love of man to man.

All the three conceptions are immanent in the Jewish way of thinking and in their language since the days of the oldest historical monuments of the people.

From this source flowed the thought of divine love and of the universal brotherhood of all beings into the abodes of the civilization of to-day. The history of the Hebrew word constitutes a holy chapter of mankind.

As evidence of the widest expansion of the commandment of love in Judaism the author quotes Deut. 10: 18, 19 where a stirring picture of the love of the Jew to God is to be found. ...

## II. The Personal Relation to God.

Nothing is more significant than the fact that while, for instance, the Christian, whenever he prays, folds his hands and kneels before God, the orthodox Jew prays without folding his hands, and without kneeling. He stands before his God from whom he never feels estranged, of whose fatherly love he is always sure. Once only in the whole year, on the occasion of the great confession of sins, he kneels down before God.

The student of comparative psychology who desires to know what conception of God prevailed among the Jewish masses had best turn to the countries of the East where Jewish settlements are least affected by European customs. The orthodox Jew will bear the most intense agony rather than transgress a religious precept; he observes the religious duties with a zeal, a self-denial, and a devotion of which there is no parallel outside this sphere.<sup>1</sup> He is quite untouched by scepticism. Let us watch him in the synagogue, in the "House of God". Europeans, high or low, rich or poor, scholars as well as illiterate people — when they enter a church they are overcome by awe, they tread softly, are careful in their measured steps, dare not utter a loud word, or make a noisy movement, stay rigidly in their places — their behaviour is appropriate to the sacredness of the place. All this is not observed by the devout Jew in the "House of God". He has no gloves, during a pause in the service he chats with his neighbour, at one time he is here, at another there, he moves

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(1) The English captain Peter Wright narrates with amazement how Polish Jews expose themselves to mistreatments by soldiers for refusing to eat forbidden food. One of them was terribly beaten because he refused to sign his name on the Sabbath.

about noisily so that the hubbub in a "Jewish school" has become proverbial. For centuries attempts have been made, through various threats of punishment, to introduce more decorum into the Jewish service. Vain endeavour! The orthodox Jew who, when calling on a friend, is well-mannered and sober, and observes the proprieties, is not to be prevailed upon to be equally demure in the synagogue. Here he is in the "House of God" --- in the fatherly home. The holiness of the place does not intimidate him; he loves his God; his God loves him. He need not put any restraint on himself. If I am not mistaken Ernest Renan is the author of the saying, "To the Christian the religion is his sweetheart, to the Jew it is his wedded wife". This remark reveals more knowledge of history, folklore, and Judaism than is piled up in the bulky books of the German critics of the Bible.

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## CHAPTER XXII.

### LEX TALIONIS.

#### I. An eye for an eye, and a tooth for a tooth.

"Ye have heard that it hath been said, An eye for an eye, and a tooth for a tooth. But I say unto you, That ye resist not evil." (Matthew 5, 38.)

This maxim also has been often misinterpreted; it, therefore, requires a thorough elucidation. First it must be accentuated that the passage "An eye for an eye" by no means belongs to the chapter of the moral lessons in the old Bible, but to the chapter of legal precepts; this is evident in the beginning of the 21st chapter of Exodus (24) where "Eye for eye" is first met with. "Weeleh hamishpatim", And these are the *judgments*, legal rules for the judge to whom the infliction of punishment and its execution is left and thus wrested from private revenge.

The Talmud took this precept to mean that the culprit had to pay an appropriate fine.

He who hurts his fellow-man, owes him a five-fold reparation: for the damage; for the pain; for the cure; for the lost time; for the disgrace. *Mishna Baba Kamma* 8, 1.

The Mishna provides also for the mode of assessment. The Talmud says:

Why should the fine suffice, when it says, An eye for an eye? (Answer;) Because the provision is not practicable. One is never sure whether there is not a greater injury inflicted on the second than on the first. — From the school of Hiskia: If one wished to say that this is to be understood literally, then it might happen that for an eye another eye and the life besides were paid, because by blinding the life might be lost.

He who reads the letter of the Bible, the sentences in Exodus 21, 23 in connexion with lines 18 and 19 will easily realize, that

the interpretation of the Talmudist tallies with the intentions of the scriptural words. There it says:

And if men strive together, and one smite another with a stone, or with his fist, and he die not, but keepeth his bed; If he rise again, and walk abroad upon his staff, then shall he that smote him be quit; only he shall pay for the loss of his time, and shall cause him to be thoroughly healed. *Exod.* 21, 18; 19.

Four lines farther on the maxim is found: "An eye for eye, a tooth for a tooth."

If he who has crippled his adversary so that the latter must use crutches is merely required to pay an adequate fine, then the maxim, "An eye for an eye, a tooth for a tooth, a foot for a foot", can have no other meaning than that the culprit is to be sentenced to an adequate fine.

The Talmud refers to Numbers 35, 31. There it says: "Moreover ye shall take no satisfaction for the life of a murderer, which is guilty of death; but he shall be surely put to death". Thus only in the case of murder a fine is not acceptable (*Baba Kamma* *ibid*).

That the old Israelitic courts of justice passed their sentences only in this sense, is often to be found in Josephus. There is no doubt, then, that the passage in Matthew originally was not intended to attack anything else but the doctrine of indemnification.

Leviticus 24, 20 where also the maxim occurs, "An eye for an eye", means to state that aliens should not be punished more leniently but just as severely as the natives, and a specific instance of this is quoted. Just read that passage in its proper connection.

Again, *Deut.* 19, 18—21 it says:

And the judges shall make diligent inquisition: and, behold, if the witness be a false witness, and hath testified falsely against his brother; Then shall ye do unto him as he had thought to have done unto his brother: so shalt thou put the evil away from among you. And thine eye shall not pity; but life shall go for life, eye for eye, tooth for tooth, hand for hand, foot for foot.<sup>1</sup>

(1) The fact that, in Israel, witnesses were not sworn, made this particular rigour against false evidence necessary. This also accounts for the precept in



As is evident from this passage, it is not a question of the hurt person taking revenge, nor is there any allusion to the persons concerned, only the duty is impressed upon us to suppress crime.

The Bible provides against compassion for the culprit leading to his going free of punishment, and it orders us to keep down compassion that evil may be exterminated. It is this view which is opposed in the Gospels: the disciples are admonished not to "resist evil".

To see to it that false evidence is punished is, in the Old Testament, not looked upon as the right of an individual but as a duty to the commonwealth, that the others "shall fear, and shall henceforth commit no more any such evil", a duty which must be performed even against one's inclination ("and thine eye shall not pity", etc.). Evidently we have before us the well-known theory of discouraging crime by terror on the strength of the maxim of "an eye for eye". Punishment is looked upon as an educational measure. It is chiefly impunity which rouses the wild beast in the human heart and favours the development of criminal tendencies.

In contrast to the precept to insist on the criminal being punished in the interest of the community, the Gospels say, Resist not evil. "But I say unto you, That ye resist not evil" (Matthew 5, 39).

The criminal is to go unpunished.

Other sayings of the same trend are: "Judge not, that ye be not judged" (Matthew 7, 1).

"He that is without sin among you, let him first cast a stone at her" (John 8, 7).

The throwing of the stone is not a symbolic act, but signified the execution of the death penalty, and refers to the custom according to which "The hands of the witnesses shall be first upon him to put him to death" (Deut. 17, 7). If this is taken into consideration, then it is evident that the saying directed

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Deut. 17, 7 that witnesses on the strength of whose evidence a sentence of death was pronounced were to be the first to "lay hands" on the culprit in the execution. This measure was calculated to stimulate the conscience of the witness.

against the throwing of the stone similarly to the passage mentioned above (Matth. 5, 38) demands the remission of any punishment.

The sentence "Eye for eye" is current even to-day in penal law. A murderer who would ask to be acquitted because it says in the Gospel: "Ye have heard that it hath been said; Eye for eye, tooth for tooth; but I say unto you, That ye resist not evil; but whosoever shall smite thee on thy right cheek, turn to him the other also," (Matth. 5, 38; 39) would not succeed with this argument in the court of justice. Or if he called out to his judge: "Judge not, that ye be not judged", (ibid. 7, 1), it is not to be supposed that with this commendable admonition he would keep his judges from passing judgment.

The contrast between doctrine and life is, therefore, grossly obvious among Christians. An spiritual world of ideals, with such high aims that no one seriously endeavours to reach them, and side by side with it the public and private life which runs counter to all moral precepts. The moral precepts of the religion have not the slightest influence on the conduct of the State or of the individual citizen.

Even Luther in a letter to the council of Danzig of the 5th of May 1525 (quoted in Damaschke, *History of Political Economy*) proclaims a separation of morals and economics on principle:

But the Gospel is a spiritual law in accordance with which it is impossible to govern. Therefore the spiritual government of the Gospel should be separated from the outward and secular government, and not confounded therewith. The clergyman ought to execute the evangelical government with his mouth and leave everybody to his way; whoever wishes to accept it, let him accept it; whoever does not want it, leave it alone.

The "Reichspost" of Vienna (the official organ of the Christian socialist party consecrated by the blessing of the pope) No. 250, October 13, 1896 advocated in a "political letter" the following: "In politics, in the political battle itself, the party as well as the spokesman should be guided by neither justice nor fairness, but should unconditionally pursue their own interests. For if politics can be regarded in a way as a fight for existing and evolving right, then it is part of political power to exercise fairness and justice in their own interests and deny the same to the opponent." In the Sunday edition

of September 2, 1917, the same pious Reichspost wrote: "If Christianity proves of no avail materialism, atheism, scepticism and Judaism will become the tone giving factors.

"The entire clamor of the newer liberal world press, the whole struggle against the "Clerical" danger in politics are really aimed only at the substitution of Christian ideas by the mammonist, to secure in place of philosophers and preachers, men of letters and professors of the mercy of the bourse and the synagogue, to replace the influence of bishops by that of bank directors, to establish in place of the international or rather supernational power of the Papacy the control of the international plutocracy headed by the House of Rothschild."

So, "Christian politics" which denies "justice and fairness" to the opponent is the only salvation of the world.

On the other hand the protestant Paul Kleinert in his book *The Prophets of Israel as Social Reformers*, 1905, p. 1/2 states:

That those men, not only in the way in which they lived as models of their times but also with the insight born in those times, became and remained guides of the future, is essentially founded also in the uncompromising energy with which they asserted the moral strength of religion as a determining, purifying, and renewing power in the common life of the people: in their social activity.

In the New Testament, everything turns on the relation of world-renouncing man to God, or, which is practically the same, the supposed salvation of the individual; in the Old Testament, on the duties, prescribed by religion, of man living in human society. From the point of view of these duties it would not be right to act according to the prescripts of the Gospel. The struggle for right is a moral duty towards the commonwealth. It often requires more self-sacrifice than to turn the left cheek after having been smitten on the right one. The doctrine of the Gospel has for its aim the "Ego" of the believer, while the prescript of the old Bible demands plainly the suppression of one's desires (Thine eye shall not pity, etc. Deut. 19, 21) for the welfare of the community. This discrimination is most clear in the commandment, "Give to him who took away the coat, thy cloak into the bargain" (Matth. 5, 40). To give away his last is permitted only to him who has no duties towards a family. But if wife and children are starving at home, and the father of the family gives away his last garment to others, this can scarcely be called a virtue. The moral law of the New Testament has in view an

individual who is separated from all duties towards the world, his family and his community.

Therefore Eicken, in his *History of Medieval Outlook on Life*, p. 467, says:

The religious doctrine of the Church was not at all, as it seemed to be, a prop of the family. Moreover, ascetic-hierarchic religiosity did more to loosen the ties of family life than to tighten them. The power of the Church was the goal of its legal and moral regulations of family life. What the latter lost in inner firmness, the Church gained as an increase of its reach of power.

Hartpoole Lecky in his *History of European Morals* II, p. 133, also points to the contempt of family ties, the harshness and cruelty of monks as revealed in medieval records.

It is not without interest to compare two opinions uttered by two great Protestant Theologians of Germany. Harnack and Cornill.

Harnack, *The Substance of Christianity*, 5th edition 1901, p. 44, says:

But it was only through Jesus-Christ that the value of every single human soul has been realized, and this can never be undone by anybody.

On the other hand, Cornill in *The Israelitic Prophetism*, 3d edition 1900, p. 120, says:

And here is the point where Ezekiel becomes creative. If religious personality is the true subject of religion, the infinite value of every single human soul results from this. This is the crucial point, and it is thus that in Ezekiel the prophecy is transformed into the cure of souls.

Nothing, therefore, is more absurd than the eternal dragging in of the Biblical maxim, "Eye for eye, tooth for tooth", in which, above all, the pedagogic wisdom of a reader of human nature is revealed who knows that one thirsting for revenge is never inclined to go as far in his revenge as he has suffered. The Aryan returns ten blows for the one he received. Zeus says to his wife Hera (*Iliad* 435):

"You would like best to swallow him, Priam, and the son of Priam."

Hecuba says (*Iliad* 84, 213) of Achilles:

"Whose liver I should like to swallow alive."

Because Dirke offends the mother of Amphion, Antiope, the first wife of her husband, the sons took revenge by tying Dirke to the horns of a wild bull and thus trailing him to death.

The Old Testament referred the individual to the judge and checked the desire for revenge, limited it to the magnitude of the damage suffered and, at last, tried to dissuade the individual from it altogether. This is done in moral lessons which appeal to the mind of the individual.

Thou shalt not hate thy brother in thine heart: thou shalt in any wise rebuke thy neighbour, and not suffer sin upon him. Thou shalt not avenge, nor bear any grudge against the children of thy people; but thou shalt love thy neighbour as thyself. *Lev. 19, 17; 18.*

If thou meet thine enemy's ox or his ass going astray, thou shalt surely bring it back to him again. If thou see the ass of him that hateth thee lying under his burden, and wouldst forbear to help him: thou shalt surely help with him. *Exod. 23, 4; 5.*

Thou shalt not see thy brother's ox or his sheep go astray, and hide thyself from them: thou shalt in any case bring them again unto thy brother. And if thy brother be not nigh unto thee, or if thou know him not; then thou shalt bring it unto thine own house, and it shall be with thee until thy brother seek after it, and thou shalt restore it to him again. *Deut. 22, 1; 2.*

Rejoice not when thine enemy falleth, and let not thine heart be glad when he stumbleth. *Prov. 24, 17.*

If thine enemy be hungry, give him bread to eat; and if he be thirsty give him water to drink: For thou shalt keep coals of fire upon his head, and the Lord shall reward thee. *Prov. 25, 21; 22.*

Even to turn the cheek to the smiter is in the Old Testament mentioned as a laudable deed in two passages.

He giveth his cheek to him that smiteth him: he is filled full with reproach. *Lament. 3, 30.* — I gave my back to the smiters, and my cheeks to them that plucked off the hair: I hid not my face from shame and spitting. *Isaiah 50, 6.*

He is a hero who turns the enemy into a friend. *Aboth de Rabbi Nathan 23.*

Those who are aggrieved without aggrieving in revenge; those who listen to a vituperation without vituperating; those who act from love to God and gladly bear sufferings — to them applies the saying of the scripture: "They who love God are like the radiant sun of the sky." *Sabbath 88b.*

He who is hard to anger and easy to soothe, shows real piety. *Aboth 5, 14.*

If two persons quarrel the one who leaves off first is of better birth, of moral nobility. *Kiddushin 71b.*



## II. Lex Talionis among the Nations.

Dinter, *The Sin against the Blood*, p. 33, says:

The maxim of the Old Testament "Eye for eye, tooth for tooth" had to be extirpated if mankind was to enter the higher reaches of spirituality. Jesus carried out this extirpation, and put unselfish love into the place of selfishness.

Now the question is whether this proposition is confirmed or refuted by the history of the Christian peoples.

We shall not speak of the tortures of the rack constantly improved by ever new application of ingenuity, we shall only speak of the punishment for committed or ostensibly committed crimes. And we find that one did not stick literally to the maxim "Eye for eye, tooth for tooth", but that that member of the body by which a crime was committed was also punished; thus a forger was punished by having his hand hewn off, a blasphemer by having his tongue cut off, &c. Very often these mutilations were not the whole punishment, but only preliminaries to the capital punishment. It is impossible to commit a crime with the eyes, still they were often blinded or put out.

If, in many states, theft was punished by capital punishment, if the Prussian law threatened high treason with the cruelest and most horrid punishment, and punished even remote accomplices with death, if even as late as the World War in several states high treason, conspiracy, desertion were punished by death, this has nothing to do with the old Jewish law nor with the maxim "eye for eye, tooth for tooth".

In Vienna, as late as the 18th century, executions aggravated by the cutting off of hands took place. In the year 1761, a cut-throat was executed on the wheel. In other countries it was customary to cut off the ears, the nose, &c. In highly civilized France, in the year 1757, a certain Damiens attempted the life of King Louis XV. by the help of a — pocket-knife. Though the King lost only a few drops of blood, the attempt caused enormous excitement in the country. The pious denounced the members of Parliament as the instigators, the members of Parliament and the Liberals called Damiens a tool of the Jesuits.

The man was put on the rack in order to be prevailed upon to name his accomplices, and was afterwards executed. Damiens had asserted that he never thought of committing murder, as, indeed, the tool which he made use of, made murder improbable. But the sentence of death was, according to the penal law of the time, legitimate. What was so horrible was the method of execution which lasted many hours. He was pinched with red-hot tongs, boiling lead was poured over him, he was torn by horses &c. The Ladies of the Court of Paris rented windows at exorbitant prices to watch the spectacle of the execution. Such an execution was neither in the sense of the Old, nor in that of the New Testament; but there was no clergyman to protest against it in the name of the Christian religion. To be sure, King Louis XV. was, apart from his harem, a very devout man.

About thirty years earlier, the holy inquisition arranged a solemn and pompous auto-da-fé in Palermo. Only two heretics were burned to death; two dozens of other condemned convicts suffered lighter punishments. We are in possession of a precise description of the proceedings of this horrible tragedy, and of a drawing of this cruel procedure with all its details from the hand of the canon Don Antonio Mongitore. This description fills 112 folio pages, and was published in 1724 by order and at the expense of the inquisition in Palermo. At this double execution not only windows were rented as in Paris, but "a magnificent theatre" with boxes, orchestra seats, and refreshment rooms for the notables was erected. The "Ladies' Gallery" was beautifully decorated, still more so the box of the inquisitors. A platform for the music-band was not lacking. During the reading of the judgments the inquisitors had their dinner, and the prince of Roccafiorita treated the ladies royally in the box of the viceroy. The Black Friars who for three days had worked at the conversion of the condemned took a "delicious copious dinner" every day at the expense of the Inquisition. If these devout gentlemen and ladies had been able to read the Talmud, they would have found (*Sanhedrin* 40a) the precept that the judges in the night before the verdict were forbidden to eat much and to drink anything. Rabbi Akiba refering to Lev.

19, 16, declared that the judges ought to fast on the day on which they pronounced a sentence of death.

In this way Christianity carried out "the extirpation" of the cruelty of the Old Testament "eye for eye, tooth for tooth".<sup>1</sup>

### III. Realism and the Cult of Mammon.

The stories about the Grecian gods centre around love, those of the Norse gods around gold. The God of the Hebrews is the subject of ethical legends. In the Grecian and Roman mythology love is the motive power, the soul and mind which give wing to all aspiration. Zeus-Jupiter himself woos in hundreds of shapes,

(1) On the 24th of June 1922 the German Foreign Secretary Walter Rathenau, one of the ablest and best-informed minds of Germany, a man high-principled and full of lofty patriotism, was shot by nationalist murderer-patriots in the open street. Writing of the motives for the murder, the chairman of the German People's Party, the Member of Parliament, later Chancellor, Dr. Stresemann wrote in the evening edition of the "Zeit" which is a rather conservative paper: "The bullets which killed Dr. Rathenau were not meant, as is now pretended, for the exponent of democratic-republican views. Dr. Rathenau was a sceptic with regard to principles of government and political outlook, and by his disposition he was not a pronounced partisan, either of the old nor of the new regime. The bullets were probably meant for the Jew Rathenau."

On the 27th of June a memorial service, arranged by the German Government and the Parliamentary parties, was celebrated in the Reichstag. After the President of the State, Ebert, the vice-president of the House of Commons, Dr. Bell, spoke, and said among other things:

"His high character, his good nature would be free of all thoughts of revenge and even pardon the accursed assassins."

Walter Rathenau was a Jew by race; his enemies were Aryans, German Christians. The mother of Rathenau was, on the day after the murder, flooded with unspeakably filthy letters of abuse. Then quite a number of unknown persons repeatedly telephoned under false pretences, and overwhelmed the old lady with invectives. The General Post-Office was obliged to take measures for preventing the repetition of such scandalous occurrences. . . . But she, the sorrowful mother, sent a letter full of sympathy to the unfortunate mother of the assassin, and interceded in his behalf with the judges, pleading for leniency.

Macedonian Christians trample on the corpses of the enemies whom they kill. In such unrestrained outbursts of wild brutalities the full value of the outcome of a two thousand years' Christian education is revealed.

some of them most ungodlike, some even less than human. Love, passionate sexual love is, then, the *primum movens* of all action. But in the world of the Norse gods the most active power is gold!

On account of the great gold hoard of Fafnir which Odin, Hönir and Loki paid him for the murder of his brother Otr there ensue battles of heroes and of gods.

The curse of the gods, it is true, was laid on the great gold hoard, nevertheless the world rule of the gold is acknowledged by gods and men. The Greco-Roman mythology with its cult of Venus is an orgy of voluptuousness and love without end, while in the Norse stories the idea of ruling power is connected with war, and the struggles and aspirations of the gods are destined to have an end, a day of judgment — Ragnarök, the twilight of the gods. There darkness carries the day over the light, there ugliness, greed and envy carry the day over radiant beauty . . . The God of the Hebrews makes his appearance in Abraham's house, stays with him, makes much of him, "for I know him, that he will command his children and his household after him, and they shall keep the way of the Lord, to do justice and judgment . . ." (Gen. 18, 19). To the Hebrew, God, above all, was a judge: "justice is his throne".

Love — Gold — Justice.

The models and creations of the national imagination assume a different aspect in the arbitrary race psychology of the neo-Teutonic pseudo-science.

In the book of Professor Dr. Adolf Wahrmund, *The Law of Nomadism*, Karlsruhe and Leipsic 1887, p. 143, we find:

While the Aryan cannot imagine spiritual greatness without subordinating money to moral purposes, the Jew, on the contrary, sees this greatness in subordinating all other purposes to the one of money-making, and in this sense money has become, as the highest economic power, the God of the Jews on earth.

Wahrmund's disciple, Otto Hauser (*History of Judaism*, p. 293), asserts:

As in the course of time, the Teutonic countries lost their Norse spirit, money became for steadily increasing sections an absolute value. The



unsophisticated Norse people look upon money merely as a convenient medium of exchange.

It is seen at every step that the Aryan Jew-haters are not at home in their own social history. The comedian Menander (in the 4th century) says:

Epicharmis may think wind and water, earth, sun and stars gods, but I believe that only gold and silver are the true and powerful gods; if you have these in your house you may have everything you want: fields and houses, servants, furniture, friends, (complaisant) judges and witnesses.

Much more succinctly does Hesiod express himself: "Only he is a man who possesses something", while the old Indian grammarian Bhartrihari says something like Boileau: "The rich is noble, wise, learned, eloquent and beautiful; all good qualities depend on money".

Similarly, the Florentine Anton Francesco Doni said: "He who has money is taken for a wit, but he who is poor, be he ever so good-natured and learned, is taken for a dunce and a cad."

Ariosto, in his *Orlando Furioso*, accused the women of his time of seeking for money, while the noble women of old times loved virtue more than riches. Half a century earlier, the Spaniard Fernan Perez de Guzmara asserted that the study of genealogy was something quite useless, for "in our time nobility consists only in riches: the richest is also the noblest".

Cecco of Ascoli, the learned contemporary of Dante, wrote a humorous letter to the "honourable gentlemen Florin and Farthing" in which he asked their assistance, for "without your assistance nobility, wisdom, learning, valour and beauty have no value whatever; all human power depends on you, you achieve numberless miracles, you make the blind to see, the deaf to hear".

In a Latin prayer of the 12th or 13th century it says: "Now Nummus (the coin) is the supreme King on earth, Kings worship him and serve him, the venal band of priests obey him, he reigns in the rooms of the abbots, &c.". And in another: "Once the philosophers held money in contempt; now-a-days Plato without money would be a fool."



In the 14th century, Boccaccio complains that even with the nearest relations "the poor are not in favour; he who has no money does not find a friend".

But Robert Pattai, member and afterwards president of the Austrian Parliament, said, in 1890, in a public meeting of his constituents:

If we wish to eliminate the shameless corruption from our Christian-Aryan national life, and to shake off the unbearable yoke of the idol Mammon in order to return to the ancient ways of our fathers, then we must first of all break the power of Judaism and neutralize the poison of Semitism in the national body.

From this one might infer that in times unpolluted by Jews, in the middle ages, the temple of the idol Mammon was empty. But it was just the sons of thoroughbred families who were its archpriests.

The nobles of Brandenburg in the XIIIth and XIVth centuries did not think it beneath them, as Felix Priebatsch substantiates in the February 1902 number of the *Historische Zeitschrift*, to have dealings with fraudulent goldsmiths, to forge last wills, to cheat wards, to deny money that they received, to simply confiscate donations made by relatives to churches &c. Were the nobles of Brandenburg at that time already polluted by Jews?

Guizot in his *History of Civilization in France* writes:

The castles were originally built for the purpose of making them a refuge for the noble robbers; there they hid their spoil and were able to defy, behind the solid walls, the robbed townspeople.

The State was too lenient towards the nobility, and finally took these robbers into its service. The whole warfare between France and England in the XIV. century consisted of raids and pillages.

In 1529, the government of Florence was compelled to enact severe laws threatening with fines and corporal punishment the adulterators of provisions and sellers who practised fraud.

"It is hardly credible", says the historian Benedetto Varchi, book VIII, chapter 18, "what frauds were perpetrated by butchers, dry-salters, grocers in order, to cheat the buyers".

Two centuries later, the Neapolitan historian Pietro Giannona complains:

On Sunday they go to church, pray, listen to the sermon and the mass, return home with banners and crosses, and on Monday morning, as soon as they enter business and workshop they begin to cheat, to deceive and swindle the buyers with lies and delusions. *Istoria civile del Regno di Napoli*, L. 21, cap. 5.

In Joseph Wertheimer's book *The Jews in Austria* we read:

At the time of the great famine (1816) which was also the time of great scarcity of money and of generally shaken credit, the Emperor Francis applied to some rich capitalists for a private loan to relieve the distress. He met with several rebuffs. Then he applied to a rich Viennese merchant. "How much does the emperor want me to give?" the man asked. "Thirty thousand silver florins." "They are at the disposal of His Majesty", the merchant replied. "Against what security?" asked the intermediary. "I do not ask for any security". "At what rate of interest?" "As the emperor is raising the money to relieve the general distress I renounce all interest." The emperor kept the money for nine months, and when in making repayment, he wished to reward the lender by making him a nobleman, the merchant refused and asked only for the favour that his children also might be allowed to remain unmolested in the country.

In the history of Hohnstein and Lohmen ("Saxon Switzerland", published by the clergyman Magister Leberecht Wilhelm Götzingen of Sebnitz (1786) it says on p. 326:

During the great dearth (1720-21) something happened that is worth recording. A Jew offered to sell corn in Dresden, at 3 Thlr. 12 Gr. the bushel, free of customs and the charge of escort. This was granted, and he sold the bushels at 4 Thlr. (it was 6 Thlr. at the time), but only to poor people, not to anybody who did business with it. What a shame for Christian corn-Jews!

How the Talmud abhors cupidity is seen from its interpretation (*Sanhedrin*) of the prohibition, "Ye shall not make with me gods of silver, neither shall ye make unto you gods of gold" (Exod. 20, 23): "We are not to deify gold and silver".

Within Judaism, learning and letters were accorded the highest honours, and riches humbly bowed to them. The duties of possession also were present in the minds of the prosperous. On the wedding-day of their children rich Jews used to get a poor couple of orphans married, whom they assisted in setting up for themselves. It is significant of the prevailing principles that distinguished personalities had their coffins made of the tables at which they fed the poor.

The philosopher Eduard Hartmann who was notoriously ill-affected towards the Jews, nevertheless truthfully admitted:

Compassion as consoling sympathy and ready goodwill is the centre of Jewish morals and friendship; charity, family feeling, industriousness, thirst for culture and knowledge constitute the finest traits of Jews, and they remained characteristics to this day so that they may be a model and an example to the peoples among which they live.

We quote a few additional Christian comments.

Emil Schürer, *History of the Jewish People in the Age of Jesus Christ*, 1907, II, p. 384:

The ideal of legal Judaism is virtually this, that every Israelite have a professional knowledge of the law. If this was not accessible then as many as possible ought to be raised to this ideal plane.

Cornill, *The Old Testament and Humanity*. 1895, p. 23:

If it is the last and highest task of religion to make us better and to kindle in our hearts the love of God and mankind, and if it is the standard of a religion how far it succeeds in fulfilling this supreme task, then the religion of Israel indeed need not shun this test. At a time where the deepest night of uncharitableness and inhumanity still covered the rest of mankind, already at that time the religion of Israel breathed a spirit of true humanity which must fill the outsider, if only he will see it, with reverence and admiration.

William Bousset, *The Religion of the Jews*, 1906, p. 486—88:

Thus the fundamental character of Jewish ethics is deliberate wisdom in the right sense of the word, steady moderation, measured kindness and benevolence. The supreme point of view is, perhaps, justice (zedaka) which at the same time is kindness and equity which gives everybody his due; gentleness, affability, humility and avoiding haughtiness, courtesy and obligingness, readiness to help in all the troubles of daily life, peacefulness, patience with the weaknesses of others, mildness, placability, shunning unnecessary enmity, evading anger and passion, contentment in all things—these are the constantly recurring demands. The ideal of conduct of a Hillel, of a Gamaliel, of a Jochanan ben Zakkai is defined by these words."

In contradiction to these quotations from eminent Christian historians, the hypocritical complaint of the Jew-haters runs as follows:

The cold, hard-hearted Semitic realism has corroded the ideal mind of the Christian people. The Jewish rule has brought us the prevalence of materialism.

So runs the denunciation of Rohling! Semitic realism! To defame as the incarnation of realism a race which for 1800 years bore all sufferings and died in every manner which an extravagant imagination could devise, for its religious conviction, when it could have saved itself from torture and disgrace and achieved comfort and honour --- by a creed!

The hypocritical self-righteousness which always confesses the sins of others would like to blame the Jews for the intellectual and moral degeneration of the European peoples, and thus it is Jewish "realism" which diverted "the Aryan whose bent of mind is by nature ideal" from his ideal instincts. That is the old, but ever new story. If Max did not learn his lesson, then it was not his idleness that was to blame, but Moritz. This nursery story is by no means a joke; an historical tragedy is reflected in it. Max may idle away his time, remain an ignoramus --- he is safe for a professorship, for his name is not "Moritz". Max may lead a loose life, his pranks and excesses are all virtues; if he overdoes it, it is quite certain that "Moritz" is spanked for it. Max does it and is praised as the supreme manifestation of high-minded principles; if Moritz did it, then it was the base outcome of a selfish "realism".

Else how can the Jew who works for his family be reproached with utilitarian leanings? Is there an aspiration more moral, more holy, more satisfying to the nature of the human being, more vital to the structure of the State and society than that of providing for one's family?

The Jews utilitarians? The same Jews who, when the nations are at work to regenerate their lives, to fight for liberty and independence, are the first to shed their blood; who more than any other race are susceptible to enthusiasm for a noble cause whereas real utilitarianism is the unconquerable enemy of enthusiasm because it is unapproachable and with its icy breath blows out every glow; who constitute so splendid a contingent in arts, letters, and science, who pushed their way to these cultural summits at a time when they were driven back by force, and who, despite envy and ill-will, keep their positions in these realms and make their names respected.



At a time when the whole of Germany was governed by an emperor who did not learn how to write before he was of age, the Jewish youth was already initiated into letters and, as a rule, spoke, besides the language of the country, Hebrew and Arabic. And if a learned monk in Germany, Spain or Italy wished to write about Aristotle, Hippocrates, or Galen he had to turn to the Jewish scholar just as he had to turn to the Jewish merchant whenever he wished to get oriental brocade or spices, or desired to send money to the Holy Sepulchre in Jerusalem. And very often the merchant and the scholar were one and the same person.

What would have become of Judaism if its followers had been utilitarians? Would we have suffered a martyrdom of 1800 years' standing, and allowed ourselves to be driven from country to country, shaken like trees in autumn, leaving us naked and bald, in constant dread of being killed by the mob, of breathing our last on the wheel or the stake? And does this Jewish courage of martyrdom already belong to history? You may see it still, you may admire the same spiritual outlook to-day which you could not comprehend during one and a half thousand years, and the pressure upon which you increased daily, full of envy of its irrepressible vitality. Rohling speaks of the "two-thousand year old habit of profiteering". We Jews can tell a very sad story about the "Christian-Aryan idealism". Even in Jew massacres, the persecution of the heretics, and the criminal trials for witchcraft, it was not so much extravagant religiosity or delusion or superstition, as avidity, ineradicable love of profit which were at the bottom of it. That scourge of heretics, Konrad of Marburg, made contracts with the bishops and nobles that the confiscated goods of the heretics were to belong one half to the local authorities, the other half to the inquisitors. Thus he travelled on his mule through Thuringia and Hesse at the head of a wicked rabble, very often dragging behind him 60 to 80 prisoners, heretics in red coats and ropes round their necks who afterwards were slaughtered. In the episcopate of Strasburg alone 5000 heretics were executed in the course of 20 years.

A devout Catholic, F. Baumgartner, says in his apologetic



book *The German Trials for Witchcraft* (Frankfort, Zeitgemäße Broschüren):

I venture even to assert that the great majority of the judges utilized the confessions of the witches for selfish ends, that, to indulge their avaricious or vindictive leanings or to serve personal ambition and other passions, they wrung confessions of various kinds about certain individuals or conditions by means of the rack.

His assertion is supported not only by the circumstance that the witchcraft judges received a stated portion of the property of the condemned, but also and especially because of the extremely high fees which the inquisitors received for the pursuit of their execrable calling.

Inconvenient or ill-reputed politicians were, in preconcerted agreement with the judges, accused as sorcerers and burnt alive.

Who could deny that it was only avidity which induced Philip le Bel of France to accuse the knight-templars of sorcery and to have them executed in 1314?

In some countries the inquisitors had no other salary than a tax of 4 or 5 thalers per head. There was not much time to be lost if they cared to live "decently" and if besides one wished to lay up a fortune "by burning" in his youth so as to be able to live upon it in old age. The sky of Europe was dyed red as blood by the flames of the stakes which blazed in all the countries, in France, Germany, Italy and Spain.

By the means of the periodically returning Jew-baitings the mob was systematically trained to be delighted by such spectacles, to amuse themselves with the hunting of human beings. The jaded nerves asked for new stimulants. The Jew-baiting was followed by the persecution of heretics, then the hunting for witches, and while the mob feasted their eyes on the agonies of the unhappy victims they were mulcted. One's own liberty is as incompatible with the oppression of others as light and darkness in one and the same room.

Montesquieu, in *The Spirit of Laws* vol. II, book 20, reports about the treatment of the Jews:

King John threw the Jews into prison in order to get their property, and only a few of them were let off without at least having an eye put out. So piously did the king use to administer justice. One of these

unhappy Jews who in seven days had seven teeth pulled out, on the eighth day paid down 10,000 marks of silver. Henry III. wrung from Aaron, a Jew of York, 14,000 marks of silver for himself and 10,000 for the queen . . . As the kings could not plunge into the coffers of their subjects, they tried to indemnify themselves through the Jews, and they believed they could torture them without any scruples because they were not citizens.

Finally, it became the custom to confiscate all the property of the Jews when they embraced the Christian religion . . . It was said that only in this way were these people to be put to the test whether they were in earnest about their conversion, and whether they freed themselves of the rule of Satan: but who does not see that this was a trick of the princes or barons to reimburse themselves for the fees which they lost when the Jews, who were treated like serfs, embraced the Christian faith . . . If they agreed to become Christians, their property was confiscated; if they did not agree to become Christians, they were burnt alive.

Montesquieu is the first to attribute to the Jews the invention of the bill of exchange; they made use of it in order to free commerce from acts of violence, and to have their capital movable in case of flight or expulsion. Montesquieu adds: "Now the theologians had to become a little more yielding; the commerce which by force had been coupled with fraud, returned, as it were, into the fold of righteousness."

In the *Reports of the Austrian Institute for Historical Research*, VIII, 6, 11, a very interesting document was published. Charles IV. made a present of three Jewish houses in Nuremberg to the Markgrave of Brandenburg who was to pick them out "after the Jews there had been slain", a draft, then, on the next persecution of the Jews.

The historian Werunsky produces the documentary proof, showing how and in what way and for what purpose pogroms were incited, and by what means they were facilitated if the expected "burning of the Jews" was a little longer in coming.

The Emperor Wenzel, in the year 1390 in the German Parliament, absolved all the states of their Jewish debts, but they had to pay him 15% of the money due to the Jews. (Kolb, *Social History of Mankind* 1885. II, p. 209.)

From Hertzog's "Chronicle of Alsace" for the year 1339:

This Friday the Jews were caught, and next morning, on Saturday, they

were burnt in their cemetery, on a wooden frame; there were about two thousand of them; but those who agreed to be baptized were left alive. (But the property was also taken away from the baptized.) A great many young children were also taken out of the fire, against the desire of their fathers and mothers; they, too, were baptized. And whatever one owed to the Jews was null and void, and all the pledges and bonds for debts were returned, but the ready money and the estate was taken by the council and distributed among the artisans, but there were many who gave their part to the Virgin Mary or as charity. This year not only the Jews in Strasburg were burnt, but in all the towns on the Rhine; some of them burnt their Jews after a regular trial, in others the Jews themselves destroyed their houses and were burnt within.

In the good old German town of Nuremberg the Jews owned in the year 1350 some houses on the market place and near these was the "Jewish School" or Synagogue which the council wanted out of the way. It, therefore, sent a deputation to King Charles which brought back a decree in which Charles "in consideration of the fact that there was no square in Nuremberg where people could buy without being crowded" gives the council and the citizens the permission to raze all the Jewish houses on and near the market place, to make two large squares of it, and, in the place of the Jewish Synagogue to erect a church "in honour of Our Lady". Now when the deputation came back to Nuremberg, and told the Jews that their houses were to be demolished at once, the authorities were not satisfied with driving out the despoiled victims who had to leave house and home, but as an object lesson of Aryan justice and neighbourly love, the ghastly spectacle of a "Jew-burning" was performed. (On Maundy-Thursday 1350. — Werunsky, *History of King Charles IV. and his Time*. II, p. 253.) Since the houses and all their property was taken away from the Jews, they were led — doubtless from neighbourly love, in order to save them from being driven into exile — at once to the stake.

Remote traditions: Thucydides reports that within the walls of Lacedaemon in a time of quiet and peace two hundred unhappy helots, compatriots of the Greeks and the aborigines of the country, were slaughtered like wild animals — because they could be dispensed with, because there was no need for so many helots.

The altar of the idol Mammon was never wanting in incense-offerings, but the flames of the blazing stake did not illuminate the Jew, as the officiating high-priest of this idol, but the unhappy victims whose charred bones to the present day give evidence that — "to the Jew, money making is an end in itself".

A famous rabbi, Meir of Rothenburg on the Tauber, could not bring himself to extort the unheard-of sums which the emperor wanted to levy through him. He emigrated and had already gone as far as Lombardy when he was recognized and betrayed by a Jew who, escorting the bishop of Basel, had just embraced occidental "civilization". The rabbi was arrested, brought back and imprisoned by the emperor who wanted to extort a high ransom. The Jews of Germany raised a fund of 20,000 marks in silver in order to rescue their beloved teacher; the money was accepted, but the rabbi was not set free. He died in the dungeon of Ensisheim (Alsace). His dead body was not surrendered for 14 years, until Suesskind Alexander Wimpfen of Frankfort redeemed it with his fortune on the condition, that his skeleton should be permitted to rest near those of the pious martyr. In such events is Jewish "materialism" reflected in contrast to Christian idealism.<sup>1</sup>

About the year 1612, the clergy in Hamburg began to work up a popular feeling against the Jewish refugees from Spain and Portugal (Maranos), because they had dared to take off their masks and to profess that they were Jews. The Lutheran clergy demanded the "expulsion of the Jews". The merchants in the senate knew very well the advantages which the "Portuguese traders" brought the town; they did not want to lose the Jews, but did not object to utilizing the clerical campaign

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(1) The saying is handed down of Rabbi Meir in Rothenburg: "That they (the German Jews) sacrifice their lives for God is their bounden duty; but that they do it so cheerfully is wonderful".

Contrariwise Arthur Dinter (*The Sin against the Blood*, p. 133): "Jesus is, on the contrary, the destroyer of the Old Testament, and of the commercial spirit glorified therein, the destroyer and pulverizer of the whole Jewish materialism, of the historical foundations of Judaism composed of basest cupidity and selfishness, of love of domineering and power."



either. They resolved, therefore, to levy higher taxes from the Jews. The Aryan idealists were ever on the look-out for the highest possible profit.

German princes sold their loyal subjects to the English for the war against America, or were paid subsidies for carrying on useless wars. The Electress Sophia Charlotte of Brandenburg lamented in 1697 that the Elector had earned nothing in the war that had just been finished. (R. Koser in the *Deutsche Rundschau*, September 1887), and a century later, (30th April 1794) Lord Granville declared in the House of Lords that in order to save the valuable blood of the British the government made use of the Prussian auxiliaries which were much cheaper.

According to the statements of Franz Loscher in his book *History and Conditions of the Germans in America* the German princes sold a total of 29,166 soldiers to England; the prince of Hesse sold 16,922; those of Brunswick 5723; those of Hanau 2422; those of Ansbach 1644; those of Waldeck 1225; those of Zerbst 1160. Of this number 11,853 were lost, the respective casualties being: 6500; 3015; 981; 461; 720 and 176. For every man who perished, yea, for every man maimed the English government had to pay a specially stipulated sum of indemnification which was not paid to the unfortunates or to those left by them, but to the princely treasury. Thus the Landgrave of Hesse-Cassel received 30 Taler for every man whom he supplied and 200 florins for each who perished. It is obvious that a "father of his country" who had insured the health and the lives of his "children of the country" in such a way, should have deeply sympathized with their fate. The following letter which is also published in the book mentioned above gives a proof of this. On the 8th of February 1777 the Count of Schaumburg and Prince of Hesse-Cassel wrote to the General Commander of the Hessian troops in America:

Dear Baron Hohendorf, When I returned from Naples to Rome I received your letter of the 27th December of last year. I learned from it with unspeakable pleasure what courage my troops exhibited at Trenton, and you may imagine how glad I was to read that of 1950 Hessians who fought in the skirmish only 300 escaped. Thus just 1650 men were slain, and I cannot sufficiently recommend to your sagacity to



send a full list to my plenipotentiary in London. This caution will be the more necessary, as the list sent to the English minister shows that only 1455 perished. In this way I should lose 160,050 florins. According to the bill of the Lords of the Exchequer I should receive only 483,450 instead of 643,500. You will admit that I should be injured in my claim by a miscalculation, and you will take the greatest pains to prove that your list is correct and his is wrong. The British government replies that a hundred men are wounded, and that for them they need not pay the price of dead ones. Remind them that of the 300 Lacedaemonians who defended the pass of Thermopylae not a single one came back. I should be happy if I could say the same of my brave Hessians. Tell Major Mindorff that I am extremely dissatisfied with his behaviour, because he saved the 300 men who escaped from Trenton. During the whole campaign not ten of his men perished.

While German princes were selling the blood of their subjects, the nobility of Poland had made the crown an article of commerce. "The country has neither industry nor commerce, no arts, no letters, only corruption and bribery are rife there. The nobility sell the crown to the highest bidder, this is perhaps the only article of commerce of which the people know anything", says the historian Hume in his essay on luxury.

And was only the Polish Crown to be bought?

There is an account of "what the Emperor Charles V. had to pay in the year 1520 for the Roman-Royal election", published by the librarian B. Greiff in the 34th annual report (1869) of the Historical Society of the District of Suabia and Neuburg. The agents of King Francis I. of France, one of the candidates for the Imperial Crown, came to Germany with 400,000 thalers, in leathern bags. This French invasion was suffered, but completely defeated. Of the 400,000 thalers not one succeeded in escaping to France. They went to their eternal rest, not in the German soil, but in the coffers of German princes; nothing reliable is known of their distribution. We are better informed about the use of the 851,918 florins and 54 kreuzer of the successful candidate.

The bishop of Gurk and the other electioneering agents of the King of Spain, Charles, who in the end was elected emperor have conscientiously rendered their accounts. From them we see that among others the Archbishop and Elector of Mayence received

103,000 florins; the Archbishop and Elector of Cologne 40,000 florins; that of Trier only 22,000 florins; the Elector of the Palatinate 139,000 florins; the Markgrave Casimir of Brandenburg 22,720 florins, &c. About forty counts, barons, knights &c. received together 31,029 florins in items from 9560 florins to 40 florins. The Imperial cities — the citizen rabble — received nothing, and the Elector Joachim of Brandenburg, a loyal partisan of the King of France went empty-handed. The moneys were deposited with the Fuggers with the strict order to pay them to the electors only after the election was over, after the "decree of election" was signed by the electors, and after the handing over of the same to the commissioners of King Charles. The princes were not trusted in the least.

When Louis XIV. occupied Alsace and Strasburg he had made sure of the approval of the powerful Elector of Brandenburg by a special treaty (1682).<sup>1</sup>

In the year 1345, the then German Emperor Charles IV. at his coronation in Frankfort on Mayence, when so many expenses were necessary, suddenly made the unpleasant discovery that the tide in his treasury was ebbing. In this quandary he turned to his then Imperial Chancellor, the Elector of Mayence, and approached him for a loan of two thousand gold florins on secure mortgages. Charles had a mortgage deed drawn up, in which he mortgaged — the Jewry of Frankfort. The Elector agreed with alacrity, for though his own money was at a low ebb he knew how to help himself by means of the mortgage deed which he had just received. On the strength of the latter, he applied to the town council of Frankfort for a loan of five thousand gold florins. And the town-council unhesitatingly complies with the request and pays the sum down in ready cash, for to them it seems to be a safe transaction, and one from which many a profit will result. They took the tax screw and screwed it so firmly that the poor Jewish community of Frankfort was struck dumb

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(1) Compare Weryl, "Preussische Jahrbücher", February 1907 (but the sum which the elector received from the King of France is not recorded there), and the observations of a leading politician of the Centre in the "Augsburger Postzeitung" of the 23rd November 1921.

and lost its breath. For, besides the enormous taxes which they had to pay, half a dozen new ones were levied; thus was not only the loan of 5000 gold florins with compound interest collected in the course of a few years, but five times this sum. But when the Elector heard this he sued the town council, and brought in an action against it at the Imperial Court. As the sum which had been advanced to him had flowed back into the treasure of the town council, the Jewry of Frankfort should receive the remainder of the sum with all its proceeds.

But the town council replied: "As long as the Elector does not pay back the sum advanced to him, the mortgaged object remains in the possession of the town council." Ultimately, the case was won by the Elector, but with the proviso that the town council was free to put on the tax screw *ad libitum* so that the newly invented taxes should go on for ever. As the burden was already unbearable, for it was humanly impossible to pay all these taxes, the oppressed Jews cried out for help, and they were answered: "What would you have? The state of things is, indeed, hard to bear, but it is in your power to help yourselves; abandon your ancient faith, then you will be free, and will not have to pay these taxes." The Jews of Frankfort did not consider the offer a single moment, but preferred to remain in oppression and distress, in shame and persecution, and to bear the heavy burden, if only they could remain true to their convictions. The poor people had learned much, but not the Aryan saying: "*cuius regio, eius religio*"; the Jewish "realists" renounced all comforts of life, and took upon themselves all the trials with which human cruelty burdened them, in order not to stain their conscience with a breach of faith.

In a publication of the Bohemian graphic society "Unie" is the following characteristic story:

In the year 1621 Albrecht Wenzel Eusebius of Waldstein, the highest war commander, Governor of Bohemia, forbade the soldiers under pain of death to sell anything without the permission of the captains. He was thus trying to prevent thefts by the soldiers. Shortly thereafter a soldier brought gold brocade wall ornaments, which he had stolen from the Lichtenstein palace to

a Jew by the name of Joseph ben Jekusela Theim who bought them. When the superintendent of the plundered palace advertised the stolen objects, Joseph brought the same to return them. In normal circumstances that would have settled it. Waldstein, however, wanted to punish the Jew. The Jewish elders declared to Waldstein that the stolen object would be returned to the owner, the buyer however would not be named. In answer to that, Waldstein ordered that a gallows be erected for the Jewish elders who could not do otherwise than to surrender Joseph. This they did, appealing at the same time, however, to the Jesuits, who told them that not long ago Waldstein had sentenced a soldier who was closely related to a member of their order, and had said to the men who interviewed him in behalf of the condemned man: "Go to your church and pray there. Whoever would ask mercy for the soldier will be hanged next to him." While Joseph was preparing to die, the Jewish elders appealed to other authorities. They thus succeeded in convincing Waldstein "that the death of a Jew is of no significance" and that 10,000 Rhenish gulden which sum the Jews of Prague promised to pay, are a fair equivalent for the Jew. But Waldstein was in no hurry to free Joseph. He ordered the Jew to be dragged by two hounds to the place of execution where Joseph had to sit under the gallows, on the bank of the Moldau next to the Ghetto, near the house of the executioner, until the Jews would bring the money. It is related that they wished to pay gold but Waldstein rebuked them and asked them to exchange the same for ten bags of silver. All night long they were kept busy in the ghetto trying to collect silver coins, which, thanks to the coin-exchanges (Bassewi-Lichtenstein etc.), had a low bullion value. Waldstein knew that very well because he belonged to the mint-agency and took part in the swindle.

When the Jews brought the ten bags he again drove them out of the house because the bags were covered. He is said to have shouted: "Damned dogs, why do you cover the thing? Probably to make people think that I am taking a bribe!" Then he commanded the Jews to carry the bags on their shoulders over the bridge of Prague to the old City Hall so that all might know of



the event. Musketeers escorted them and those who attempted to cover the bags were to be punished on the street. The bags were carried by the following Jewish elders: Jacob Munka, Esais Liberl, Isais Rapscherk, Samuel Tochle, Rabbi Eneko, Rabbi Joseph Gentl Relach, Mark Schneider, Hirschl Gyppen, Michel Liga. Waldstein ordered the money deposited with the city chancellor "for the promotion of the Catholic religion and for the imperishable memory of his name and of all the Waldstein generations". When the elders brought the money on their shoulders to the City Hall, Joseph was set free. In this story of sufferings, also, the moral behavior of the Jews and the barbarism of their persecutors are manifest.

But nothing corrupts more than servility. It demanded an immense elasticity of mind not to become dull and listless like helots, or indolent and despised like the gipsies; the Jews had to thank their severe morals for the preservation of their racial virtues; in the narrow ghetto without light or air in which other tribes doubtlessly would have fallen a prey to the bestial vice of incest, their family life remained clean and pure.

To the present day the Jews are, notwithstanding their alleged realism, the idealist race par excellence; in all conscience it is not on account of the doubtful pleasure of being publicly abused and branded by the mob, by the high and low literary proletarians, that all these thousands persist in their ancient creed. What material advantage, what prospects for preferment in position, or for richly salaried offices, for titles and dignities in social or secular hierarchy is Judaism able to offer to induce the defamed "utilitarians" to stick to its colours? And if we patiently put up with all the accusations, if hundreds of thousands of our brothers and sisters still suffer themselves to be slaughtered only to remain true to an idea which is thousands of years old, this reveals an idealism which they have not preserved, who, in times of national trouble, throw overboard, as superfluous ballast, the most sublime ideas of humanity, the sacred principles of toleration.<sup>1</sup>

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(1) In a book by Ernst Curtius "Ein Lebensbild in Briefen" (Berlin 1903, p. 618) the following interesting passage may be found in a letter of the  
30 Bloch, Israel and the Nations.



In his *History of the Inquisition of Spain* (New York, The Macmillan Company 1906-07) Henry Charles Lea says:

The whole history of mankind offers no more brilliant evidence of constancy in distress, of oppression suffered for centuries in an unbroken spirit, of the wonderful vitality with which the Jews, on the point of destruction, came to and recovered, of faithful adherence to a religion of which the reward in this life was only sorrow and contempt. And likewise we find in the whole history of human malice no more detestable evidence of the facility with which the most evil human passions had their way under the cloak of duty, than the method by which that Church which called itself the plantation of him who had given his life for the salvation of mankind sowed the seed of intolerance and persecution, and nursed it carefully for fifteen centuries.

The German Professor Heinrich Ewald, this eminent expert on the history of ancient Israel, conceives the perpetuation of Judaism in the following way:

Israel as a whole remains indestructible and invincible; for it is not a tangible thing, not a mortal person or nation. It is really an idea, an immortal being which men may deeply detest and wrathfully persecute, but which is not to be extirpated by any means.

Christian Gerson of Recklinghausen in his venomous book against the Jews, *Refutation of the Talmud*, draws the attention of his co-religionists to the following fact:

"Thirdly, what good purpose does it serve to wish to make them (the Jews) Christians so long as they have money, and when we have the money to leave them alone again until they have made some again?"

The unsophisticated man was of Semitic origin and had not yet been penetrated by Aryan "idealism".<sup>2</sup>

famous historian to his brother George Curtius (27th of February, 1872): "Among the new personalities, Odo Russel is one of the most interesting, a cosmopolitan of a rare excellency. Recently, Brandis, Helmholtz, Mommsen, Grimm, Lazarus, Lasker, and I joined him. It was a real symposium, where all questions of politics and education were discussed. I listened and learned with an eager ear, and yet felt lonesome. The two Jews were decidedly the most sympathetic to me, because they, more than all the others, recognized religious training as a vital factor of the common welfare and of human education."

(2) Also the song of the Germans: "Ubi bene ibi patria" was not composed by a Jew. The Jews who had been expelled from Spain or had fled from the

And it was decidedly a racial pure Aryan who coined the worldly cynical slogan: "Non olet."

#### IV. Jewish Animosity against Christians?

Another explosive of devastating effect is the myth, repeated again and again in old and modern works on the time of the Gospels, of the alleged "passionate warfare of the Palestinian Jews against the newly-born Christianity". Jewish persecution of Christians is a sort of striking, perhaps indispensable ornament in the construction the historical edifice of the origins of the Church. If the old documents frequently do not serve this purpose — so much the worse for the documents.

In his widely read book *History of Israel from Alexander the Great to Hadrian*, Professor A. Schlatter of Tübingen says (p. 314):

Inquisition were so faithful to the memory of their native country, that their descendants, centuries later, could not make up their minds to drop the old language and customs. The branch of palm and the citron required in the ritual of the Feast of Tabernacles, later generations still fetched from the "Old Home", from Spain, the country of their never satisfied longing, of their sighs and dreams.

The famous Spanish translation of the Bible grew on Italian soil, and a modern advocate of the Jewish policy in old Spain says: "Providence suffered this new dispersion to happen in order that the knowledge of the Spanish language might be carried abroad and propagated" (quoted in Bloch, *The Jews in Spain*, Leipsic 1875, p. 131). — The Jews who, during the crusades, had escaped to the Slav countries, have likewise retained the German language as their mother tongue (Mamme-Loshon). In the Responses of the rabbi Mayer Katz of the 17th century there is the following dictum: "It is becoming a custom among our brethren in Lithuania to speak Russian; if the Lord grants that the earth shall be full of knowledge they will all speak one language, the German one."

But what about "German loyalty?" The *Kölnische Zeitung* number 1025 of the 1st December 1904 sorrowfully exclaims: "It is the old sad story: if the German has settled beyond the frontier line, the national feeling, as a rule, declines rapidly, and in the second generation nothing is left of it. Among the most fervid hate-propagandists against the Germans all along were the sons of German immigrants." The noisiest chief of the Pan-Germans of old Austria, the Jew-baiter and Slav-destroyer K. H. Wolf, a rabid pro-war speaker, had to face the fact that his own son fought in the English army against Germany.

In Lydda, a rabbi was suspected of sympathizing with Christianity; he was secretly watched by two witnesses, and when these had ascertained his Christian faith he was stoned.

This statement is not supported by any authority whatever either in Jewish or Christian sources.

Where the Tübingen professor got this story, by what misapprehension or confusion he slipped, we can only guess from the legendary account (*Sanhedrin* 52b) of the sorcerer Ben Stada.<sup>1</sup> Schlatter also was the victim of the widespread delusion that old Judaism was full of savage hatred against rising Christianity. All the trials which the early Christian Church had to suffer, whether from within owing to party strife, or from outside, are charged to the Jews. The historical sources are mutilated in order to serve this purpose. Read, for instance, the bulky book of Professor Hausrath *Jesus and the Authors of the Gospels*, to which M. Friedländer has pointed as a classical instance.

Stephen, the law-denying deacon of the early Christian congregation is, as a teacher of antinomistic doctrines, stoned in a riot. The movers of this disturbance were not Pharisee Jews, but followers of Christ, members of Christian congregations who still adhered to the law. The riot also broke out in those synagogues where Christianity was, from the beginning, taught with glowing enthusiasm. Here the two Christian parties came to grips. This is told even in the biased account of the Acts:

Then some stood up in the college that is called the school of the Libertines and the Kyrenæans and Alexandrines and of those who came from Cilicia and Asia . . . and moved the people and the elders and the scribes and took him by force and led him before the council . . . (Acts 6, 9).

(1) The legendary figure of Ben Stada was often identified as Jesus. See "Das Leben Jesu nach jüd. Quellen" by Samuel Krauss (1902, p. 246); also "Essai sur l'histoire . . . de Palestine" by Dernburg, p. 468; "Blicke in die Religionsgeschichte" by Joel (II, p. 55); "Christianity in Talmud and Midrash" by Herford, London, 1903, p. 345; "Jesus, die Häretiker und die Christen" by Strack, Leipzig 1910, p. 28 and 29, and "Die religiöse Denkweise der Chassidim" by Paul Levertoff, Appendix, p. 112 and 113. In the passages of the Talmud Sabb. 104b, Sanh. 7a, Mary, the mother of Jesus is referred to as Stada.

Not believers in Christ, but despisers of the law were accused. This is evident from the fact that, after Stephen had been stoned, his closer brethren in dogma had to leave Jerusalem, but the apostles of Jesus who adhered to the law were unmolested and allowed to go on with their religious propaganda. If this "persecution" had been aimed at the Christians as such, at the followers of Jesus, the Apostles would have been hit first by it; but they, according to the explicit statement of the Acts (8, 1), were left in peace. It was a quarrel between Christians and Christians, between adherents of the law and opponents of the law. One party persecuted the other. The belief in Jesus was common to both. And believers in Christ were the accusers.

This does not prevent Hausrath from constructing a regular "Jewish persecution of the Christians" from the stoning of Stephen, and at this occasion to ventures the assertion: "From this first conflict in Jerusalem . . . there occurred isolated Jewish persecutions of the Christians" (p. 149 ff.). He has those conflicts in mind which upon the appearance of the apostles of the Gentiles were everywhere provoked within the two Christian parties. These conflicts, as is indisputably proved, were everywhere caused by the Christians themselves, by nationalist, law-abiding Christians against universalist, law-denying Christians.

Similarly Hausrath, in order to be able to report a "Jewish persecution of the Christians", tells a distorted and contradictory story of the stoning of James, the "brother of the Lord". He says: "While Paul was a prisoner in Caesarea, there began again persecutions of the Christians (!) which, perhaps, were caused by his conflicts with the Sanhedrin in Jerusalem to which in the end the elder Jacobus fell a victim. As the procurator had saved Paulus from their hands the hatred of the Jews (!) indemnified itself by stoning Jacobus" (p. 545).

This, indeed, is an absolute distortion of facts. Let us hear the evidence of the contemporary historian Josephus:

The high-priest, Ananus the younger, was of a violent and fearless disposition; besides, he belonged to the sect of the Sadducees who in court proceeded more uncharitably than all the other Jews. When the governor Festus had died, and Albinus had not yet arrived,

he believed to have found a fair chance to give way to his hard-heartedness. He, consequently, convened the Council in court, summoned James and several others, accused them of infringement of the law, and had them condemned to be stoned. At this even the most zealous and law-abiding citizens were deeply incensed. They, therefore, secretly sent a deputation to the king asking him to direct Ananus by letter to abstain in future from such high-handed proceedings, for he had been in the wrong even now. Some of them even went to meet Albinus and pointed out to him that Ananus had not been authorized to convene the Supreme Council without his consent. At this protest Albinus in extreme wrath wrote a letter to Ananus threatening him with due punishment. *Antiquities* XX, 9, 1.

It is, then, a question of the high-handed proceeding of a Sadducee ruler whom Pharisaic Judaism looked upon as an enemy. Not only did the law-abiding Jews and their scribes have no share in the death of Jacobus, they were, on the contrary, incensed at this outrage, and most zealously asked the rulers to avert such injustices in the future. Now, how can one speak of a passionate hate of Pharisee Judaism and its scribes against rising Christianity?

Similarly Josephus reports, as is well known, about the execution of John the Baptist which he, the Pharisee, deeply deplored, adding:

The death of this just man who taught the Jews to pursue virtue, to practise piety towards God and justice towards men, and thus purged, to come to the bath of cleansing, was, according to the conviction of the Jews, the cause why the army of Herod (in the war against the Arabs) fell a victim to the wrath of God. *Ant.* XVIII 5, 1, 2.

As to the death of James, Hausrath condescends (p. 538) to the admission that the Pharisees were innocent of his blood, and yet the event serves him as basis for a "Jewish persecution of the Christians".

To what lengths the monomania of making the Jews the universal scapegoats will go, is seen from the following feat of Hausrath's:

Thus the rumour went on with a certain persistency that the Christians in their gatherings made Thyestian feasts for which they slaughtered pagan children. The Jews of whom Apion originally had told these fables remained unmolested. They were protected by Popaea's favour. But it is not impossible that the Jews, in order to divert the suspicion



from themselves, put Nero on this scent through their friend Popaea. Thus it is not improbable that the source of the bad odour of the Christians is to be looked for in the Ghetto (p. 570).

For the untruth of all these speculations we have no less a witness than Justin Martyr who was a link with the Apostolic Age. In his *Dialogue with the Jew Tryphon*, written about the middle of the second century, in which every adverse saying then current against the "unbelieving and hardened Jews" was collected he says literally:

What you reproach us with is that we do not adjust our conduct of life to the law, that we neither circumcise our flesh as your ancestors did nor keep the Sabbath as you do. Perhaps our way of life and our customs are also blamed. I do not mean to say by this that perhaps you too believe us to eat human flesh and after a luxurious feast to put out the lights in order to mix contrary to the law. But this at least you reproach us with, that we follow doctrines and opinions which to you seem untrue. To this the Jew Tryphon replied: What people generally speak deserves no credit, for it is contrary to human nature. Cap. 10.

And in face of such a classic witness who decidedly declares that the Jews do not believe such things of the Christians, the Jews are boldly accused of having spread this fable among the Gentiles.

Hausrath also knows about the persecution of the Apostle Paul by the Jews in Rome. When Paul is summoned before the court he, being a citizen of Rome, appeals to Caesar and is brought to Rome. He wants to propagate his new doctrine there among the Jews, but being afraid that they might be influenced against him from Jerusalem and believing himself to be dogged by his compatriots, he asks the elders of the Jewish congregation in Rome to meet him in order to sound them and to explain to them in his favour, that "for the hope of Israel he was tied with this chain". But the Jewish elders reply:

We have neither got letters from Judæa in thy behalf nor has a brother come who said evil about thee. But we want to hear from thyself what thou thinkest, for we hear of this sect that it is gainsaid on all hands. Acts 28, 17—22.

Not a trace, then, of the Apostle of the Gentiles having been persecuted or traduced by the home-Jews. But how does Haus-

rath get rid of the account quoted in the Acts? Simply by discrediting it.

It is, of course, absolutely incredible that the elders of the Roman Jews should have said they knew no more of the Christians than that this sect was everywhere contradicted (p. 551).

The Acts, then, lose all their credit and their testimony goes for nothing<sup>1</sup> if it does not adjust itself to the dogma of the "Jewish hatred of the Christians". Wanted — a satirist.

A similar instance in the history of the German middle ages:

When the German Emperor Otto II., after a victorious battle in Italy, went on another expedition against the Arabs there was in his retinue Kalonymus, a Jew of Italian origin, who was deeply attached to the emperor. The expedition failed. After the flower of the German knighthood had perished, the emperor, pursued by the victorious Saracenes, had to take flight. A ship offering safety was in sight; but while the emperor at full speed hastens to it, the overdriven horse collapses, and the emperor appears to be lost. At this critical moment, Kalonymus gallops to the emperor's side, leaves his horse to him, and he himself remains behind in great peril. Thus the Jew Kalonymus was the noble, altruistic saviour of the Emperor Otto. The source for this historical fact is the much used work of Pertz, *Monumenta Germaniae Historica*. Now let us read *Schlosser's Universal History for Germans*, IV, p. 115. The historian distorts this fact in order to turn the high-minded Jew into a venal money-grabber. Hypocrisy and clap-trap coined the poisonous catchword of the "Jewish hate against Christians" which travels through the ages, designed to-day, as in former times, to give uncharitableness the colour of justification.

It will be recalled that it was Friedrich Delitzsch who in recommending Haman as a model in their attitude towards the

(1) This calls to mind the joke of the Polish Jew and the ham sandwich. A company of Polish Jews on their way to the Leipzig fair went to the refreshment room of some railway station. One of them "sicklied o'er with the pale cast of thought" got hold of a ham sandwich. His companions were shocked and remonstrated with him. "Nonsense", he said, "this is salmon, not ham". — "But it is ham", they urged, "just ask the waitress". — "Ask a Goya?" he replied. "A Goya is not to be believed in ritual matters."

Jews to the German nation, made the venomous assertion that the Jewish nation "has been hugging its deadly hate against Christianity through the thousands of years".

Dr. Pattai once exclaimed in the Austrian Parliament (Nov. 16, 1899):

"We, with our Christian love of our fellow-men, cannot cope with a race which from time immemorial has been trained to hate Christians."

Otto Hauser (p. 217, 218) explains the insensate hate of Jews against Christians by the constitutional hate of the mixed race against the light-coloured.

Where do these gentlemen get their knowledge of the hate alleged to be smouldering in the hearts of the Jews?

In the first instance the Talmud is had recourse to and the usual falsification is practised.

Rohling, *The Talmudic Jew*, p. 59, says:

The name Sinai, says the Talmud (Treatise *Sabbat* p. 89), means that the hatred has come down on the peoples of the world.

Dr. Konrad Martin, bishop of Paderborn, says in his "Glances into Talmudic Judaism" revised by Prof. Dr. Rebbert, Paderborn 1876, p. 34:

That the Talmud impresses the Jew with hate against the non-Jew it frankly admits. To the question what was the source of the hate of the Jews against the non-Jews, it says Sinai, for the Sinai means a mountain from whence the hatred (Sina) against the peoples of the world came down.

The alleged question as to the source of the hatred of the Jews against the non-Jews is simply a fabrication, grammatically impossible. In reality there is no word to be found in the Talmud of this question. The text has the following wording:

One of the rabbis asked the rabbi Kahane: Hast thou heard how the mountain Sinai is to be interpreted? Rab Kahane answered: The mountain on which miracles happened for Israel? It ought to be called mountain Nissai. Perhaps the mountain on which a great blessing has been bestowed on Israel? Then it ought to be mount Simonai. Then he said to him: Why didst thou not attend the lectures of Rab Papa and Rab Huna the son of Joshua who most particularly occupied them-

selves with the Agada, for Rab Chisdah and Rabbah, the son of Rab Stuna both say: How is mount Sinai to be interpreted? A mountain on which the hatred of the peoples of the world has come down against it.

There is no question here of the hatred of Israel, and what the Agada hints at is the great truth that religious hatred is the most savage one, and that this hatred among the peoples of the world is particularly levelled against the Sinai or the Jewish law, the events in the reigns of Hadrian, Trajan, and Nero have sufficiently proved.

In his book *De Monarchia* Philo says:

The priests of other nations ask God for the welfare of their own people, the high-priest of Jerusalem prays for the welfare and the happiness of all peoples.

And in his book *De Sacrificiis*:

Some sacrifices are offered for our nation, some for the whole of mankind.

Eusebius (*Praeparatio Evang.* VIII. 2) quotes from Flavius Josephus:

We sacrifice and pray to God first for the welfare and the happiness of the whole world, and then, especially, for ourselves because such a prayer which first refers to the universal and afterwards to the particular is, according to our belief, more acceptable to God.

Such was the "hatred" of ancient Israel against other peoples.

Therefore it appears to me astounding, writes Philo in "*De specialibus legibus*" II (*de septenario*, ed. Cohn-Wendland 167) that some people have the audacity to manifest hatred against a nation, whose public spirit and love for all people everywhere goes so far as to recite prayers, to celebrate holidays and to offer sacrifices in the name of the whole of mankind, and to serve the truly existing God in their own name as well as in the name of all other nations, which hold themselves exempt from the duty of similar service.

Chwolson, a converted Jew who was professor of Christian Theology at Petrograd, once wrote:

Up to my twentieth year I lived in the house of a famous rabbi who at the same time was a judge, and in whose house Jews of all sorts kept coming and going. Thus I had the opportunity to become acquainted with the Jews, with characters of different kinds... I can

only declare that nothing seems more absurd to me than the noise about the alleged hatred of the Jews against the Christians. The hatred of the Jews against the Christians is nothing but a chimera. The hatred, on the other hand, of the Christians against the Jews is, I am sorry to say, real. (Dr. D. Chwolson, professor at the Russian and Polish-Catholic Ecclesiastical Academy in St. Peterborough, in his book, "The Ritual Murder", p. 199).

Ratherius, Bishop of Verona in the middle of the tenth century, says:

More vile than the Jew himself, just like a devil, is he who is not incensed against such a one. He who loves the God-denying Jew denies God. He who honors the blaspheming Jew is not a Christian, nor a friend of God is he who is friendly to this enemy of God. *Ratherii Opera* 335, f.

In his book *The Superstition of the Middle Ages* (Basel 1884, p. 194) Professor Karl Meyer speaks of the conceptions which were had of the Jews in old times. He says:

The hate and the scorn felt against the Jews were projected into them and it was assumed that they were governed by the same feelings as the Christians . . . Whenever Jews and Christians drank together it was believed that the former spat into the tankard in order that the latter got their spittle into their mouths.

Compare Marcus Lombardus, "*Thorough Report and Declarations of the Acts and Ceremonies of the Jews*" (Basel 1574, fol. XX).

Chwolson (l. c.) makes the enlightening remark:

Of course the mind of a non-Jew who does not know the inner life of the Jews will hardly comprehend that the Jews, after all the agonies, torments, humiliations, and mockeries, were not filled with terrible hatred against their oppressors. But he who knows the Jew and his religious way of thinking also knows that the Jew, in consequence of his religious outlook, does not regard the misfortune that comes upon him as "oppression" or "human persecution", nor as the fruit of "human malice" and of "human will", but only as the punishing "finger of God", and that he looks upon his persecutors as the tools of God.<sup>1</sup>

The error and delusion of the "Jewish hatred of the Christians" can be efficaciously opposed only by experienced events, not by isolated occurrences which might be refuted as proving nothing; there would be no difficulty to cite a multitude

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(1) And thou shalt become an astonishment, a proverb, and a by-word among all nations whither the Lord shall lead thee (Deut. 28, 37).



of events, manifestations of Jewish conception of duty in all times and countries which would convince even the most reluctant. There were times in former Austria when the Catholics, above all the Catholic priests, had to flee from the persecution of the mob. We may recall the atrocious persecutions of the Jesuits in the Bohemian crown-countries at the beginning of the 'Thirty Years' War immediately before the battle of the White Mountain. (17th November 1620.) Most of the Jesuits had escaped the wrath of the incensed Bohemians, but some who had not been able to flee remained in Prague and only escaped certain death through the aid and sympathy of a Jew, Lazarus Aron of Liechtenstadt. This man rescued the unhappy patres from danger, provided them with plain clothes, gave them horses and led them, at the risk of his own life, as far as Bamberg. On their flight they were pursued and hard pressed by the Bohemians. The Jesuits testified in writing that they would not have obtained such help from many Catholics.

This same Jew, Lazarus, had in later times of war also occasion to save clergymen in the convent of Tepl and in that of Elbogen from grave danger. Two interesting documents which the historian G. Wolf (Wertheimer's Yearbook 1860, p. 121) published may be quoted literally:

I, the undersigned, Georgius Landtherr, etc., Doctor of Theology, avow that the honourable and highly respected Lazarus, a Jew from Liechtenstadt, gave me to understand that for diverse reasons he would like to have my testimonial to the effect that he did a great service to two distinguished clergymen by saving their lives and property. For the sake of truth, and because such a deed deserves to be praised and gratefully acknowledged, I affirm that in the year 1619 after Whitsuntide two distinguished gentlemen of the Society of Jesus were in their journey hotly pursued by soldiers and other people, so that they were in great danger of their lives, and when they did not know where to turn they found rescue and refuge with the above mentioned Jew Lazarus who not only kindly received and entertained them but also clothed them with his own clothes, mounted them on his own horses, and escorted them as far as Kupferberg in the Bamberg territory whereby they were saved. The fellows who had been after them learning this communicated it to the citizens and the common people of Liechtenstadt who now fell on the house of Lazarus, looted and demolished it; Lazarus

with his wife and children had all the trouble in the world to escape into the Markgravian territory. This is absolutely true as the sometime Dean of Elbogen well knows.

I myself, as I am bound to acknowledge, in 1624, when commissioned by the Prince Archbishop *in negotio reform. religionis Bohemiae* in several districts and when being in equal difficulties in trying to reconcile the church of Liechtenstadt, was faithfully assisted and rescued by him in presence of the Dean of Elbogen. Therefore I beg everybody duly and intently not only to give credence to my testimonial, but in consideration of Lazarus' great faithfulness and kindness towards us clergymen (such as we have not experienced at the hands of Catholics) to befriend him kindly which I am ready to reward personally. For confirmation I seal this letter with my seal and sign it with my own hand. Actum Prague the 29th of February 1624.

J. Georgius Lantherr s. t. Doctor et commissarius episcopalis.

(Gottlieb Bondy and Franz Dworsky, *Contributions to the History of the Jews in Bohemia, Moravia, and Silesia* from 906 to 1620 A.D. Vol. II, p. 876.)

To his Grace the Prelate of Lilienfeldt, Councillor to His Roman Imperial Majesty, Commissary and President.

Reverend Sir,

My prayers and priestly service to your Grace. Lazarus Aron during the past Saxon riots and raids not only gave various loyal warnings to various priests be on their guard, but assisted them with money, horses and clothes as he did in particular to me, humble priest, in the district of Elbogen with great goodwill and help whereby he got himself into danger of life and property, and I feel bound to give him a testimonial to this effect.

As he practised this loyalty to His Roman Imperial Majesty by his repeated acts of goodwill towards Catholic priests and gave His Roman Imperial Majesty's army every help by leading it over secret passes I beg to ask for a speedy expedition of his goods and to recommend him for faithful service.

Commending your Grace to Divine protection I am your obedient chaplain

Georgy Adalberty Christophori, etc.

Eger Hospital, January 4, 1635.

This is how, in the 17th century, a conforming Jew treated persecuted Jesuits and Catholic priests whose lives were in danger.<sup>1</sup>

(1) In the Pontificate of the Pope Pius IX. there served several Jews as volunteers in the Papal army. They were Austrian veterans who afterwards

In a book *For and against the Jesuits. Authentic Opinions of Contemporaries*, published by Dr. Max Oberbreyer (Düsseldorf, Felix Bagel), there is, besides numerous enunciations of prominent Protestants, also a letter by August Rohling in which he says:

The Jewish hatred against everything Christian and the obtuseness of misled Christians is in my opinion the source of the aspersions against the Jesuits. The Pharisaism according to Rabbi Dr. Graetz's *History of the Jews* identical with Talmudism needed a scapegoat, and this was found, as somewhere else, in the Jesuits.

The reverse of this is true: instead of being enemies of the Jesuits the Jews saw in them fellows in adversity.

On the 17th of October 1890 the Vienna Chief Rabbi Dr. M. Güdemann wrote the following regarding the Jesuits in the *Österreichische Wochenschrift*:

If they complain that they are misjudged they are in the same position as the Jews. They are dispersed over the whole globe and whenever social distress or a political or economic mischance happens, thousands and hundred thousands call the Jesuits to account for it. Just as it happens to the Jews. They are persecuted like the Jews, they even were dissolved, and in this respect they have outstripped the fate of the Jews. They must put up with being called the Black International as the Jews must suffer beings called the Golden International. The similarity of fate is easily to be accounted for. It is the aloof attitude towards so-

enlisted in the Papal army. About these there are documents to be found in the record office of the Austrian ministry of war. The names are given of Simon Günsler, born 1833 in Sniatyn; Markus Goldstein, born 1830 in Lemberg; Johann Igl, born 1821 in Rzeszow.

All the three of them were decorated with the Papal memorial medal "Pro Petri sede". A fourth, Jonas Abeles in Vienna, received the golden medal with the following letter: "The Apostolic Nuncio at the Imperial Court in Austria: Ant. Fl. Luca, Archbishop of Tarsus to the sergeant Jonas Abeles. Enclosed you receive the Apostolic brief together with the medal which has been conferred on you by our illustrious reigning Pope Pius IX., and of which you received the official notification. With our congratulation on this gratifying event we ask you to acknowledge receipt. Vienna, 16th January 1862. The Apostolic Nuncio at the Imperial Court: Ant. Fl. Luca, Archbishop of Tarsus". — The golden medal had on the obverse side the portrait of His Holiness the Pope and the legend: Pius IX. Pont. Max., and on the reverse side in the middle panel the words: Bene merenti. — They were all faithful Jews, and their religion was no impediment to their being loyal soldiers of the Pope.

ciety, and the secret of their organisation, of their aims and aspirations by which they alike give rise to multifarious prejudices against themselves. The Jesuits wish to be a mystery, the Jews are a mystery because nobody takes the trouble to come to know them. The latter would like nothing better than to get out of their exclusive position, but they are kept there by force. The effect is the same here as there.

The comparison may be carried further. The Jesuits are credited with great dexterity, astuteness, judgment, and cunning, and they are believed to hear the grass grow. Just so with Jews. But a judge of history knows that the Jesuits made great mistakes, just as the Jews.

This certainly does not look like hate nor does it encourage agitation and persecution.

Heinrich Heine apostrophizes the Jesuits in the following way:

Poor Fathers of the Society of Jesus! You have become the bogey and the scapegoat of the liberal party, but only your dangerousness was recognised, not your merits. I, personally, could never join in the hue and cry of my associates who got into a rage like bulls to which a red rag is shown whenever they heard the name of Loyola. Yes certainly, like bulls!

When, in the seventies of the past century, the bill on the expulsion of the Jesuits was being discussed in the German Reichstag, there was in the national liberal Bismarck-party only a single member of parliament who dared to come forward in favour of the persecuted Jesuits, and against the most powerful Chancellor, and this man was the Jew Lasker.

A flood of abuse was poured upon the head of Lasker on account of his speech in favour of the Jesuits. The pamphlet of Othmar Beta was published, *Darwin, Germany, and the Jews or the Juda-Jesuitism* (33 theses with an epilogue about a forgotten factor of political economy; respectfully dedicated to His Serenity the Prince Bismarck), in which it was charged that European Jewry was a secret ally of the Jesuits and that, by its financial influence it had urged the Roman Church to make a dogma of the infallibility of the Pope in order to thus exterminate German Protestantism.

When, in 1890, the Centre Party moved the abolition of the law against the Jesuits the "Frankfurter Zeitung" of the "Jew" Sonnemann as well as the Berlin "Börsen-Courier" of the "Jew" Davidsohn spoke with great energy for the motion.

The "Börsen-Kurier" wrote:

We are not to be persuaded by wholesale slanders out of our sense of justice. If a Jesuit does something that deserves punishment, let him be punished; if he does something that deserves praise, let him be praised; but only his doings are to be judged and not his garb; only his actions are to be judged, and not his thoughts which latter nobody knows, as in general nobody knows anybody's thoughts.

In 1894 and 1895 Slattery, a former Catholic priest from Ireland, and his wife, a former nun, undertook an anti-Catholic propagandist journey, and delivered fiery speeches against the Catholic religion; they also came to Savannah in Georgia where they made use of the building of the Young Men's Hebrew Association. After the first lecture, the Association cancelled the permission for the holding of these lectures in their building, and Slattery had to rent Christian places for his purposes.

In the year 1732, the Protestants of Salzburg were driven from their native country under terrible hardships. Most of them found refuge with the King of Prussia who settled them in East Prussia and gave them the means to begin life anew. On their long journey, the poor exiles, who were often lacking in the very necessities of life, were helped by the Jews with warm humanity.

The description of this journey is to be found in the book of the Salzburg emigrant Gerhard Gottlieb Günther Göcking, *Complete History of the Emigration of the Lutherans exiled from the Arch-Episcopate Salzburg*, published 1734 at Christian Ulrich Wagner's. Frankfort and Leipsic. See II, chapter 5:

How these pilgrims were received by the Jews on their Journey. The Jews have shown charity to these martyrs in many places, nowhere done them the slightest injury. I particularly liked the answer a Jew gave to somebody when asked, why he gave the people such rich presents since they were Christians? He replied: They, too, are human beings, and God created them in his image. And God has commanded to show kindness to strangers. And he added that he was thinking of his ancestors when they went forth from Egypt; they, without doubt, would have been glad, if, on their journey, others had shown them kindness and given them refreshments. — We shall afterwards inform the reader what else has been known of this event (Vol. I, p. 561—66).



The Jews and the Salzburg people first met in the village of Klein-Wördlingen. The Catholic inhabitants had taken away the buckets from the wells. But the Jews, who had their own well, led the Salzburg refugees to it, and besides, gave them beer and bread and what money they could spare. The Jews in Gunzenhausen were extremely poor, still they managed two thalers. In Harburg (Bavaria) they not only fed and clothed them, but gave them shelter. Likewise in Hildesheim, Weimar, Frankfurt on the Oder. In Regensburg a Jew, Salomon, offered to feed twenty Salzburg people. The council sent him only a dozen; these he fed and gave rich presents. In Halberstadt 36 thaler were collected, and all in all they spent 150 thaler. Göcking especially says in their praise that of their own accord they had it proclaimed in the synagogue that he who looked for the least profit from these poor people was accursed. In Nauen, a Jewess stood in the street and distributed gifts among the wanderers. A sick man declined her gift because it seemed to him, as he afterwards reported, that she was poorer than he and needed the money badly. In Berlin the Jews collected 33 thaler, 8 groschen on the day after the first band of Salzburg people arrived; immediately after their arrival they had given them all sorts of things. The women brought 204½ yards of linen, requesting that the oldest and poorest should not be forgotten. A Jew of Fürth gave more than a hundred florins. The Jews of Hessen-Cassel collected 4,000 thaler. In Nymwegen the banker Benedict Levy Gompers collected 1200 florins for them. Similar reports came from Bamberg, Würzburg, Koburg, Bahn, Danzig, and Königsberg. In the latter town Moses Lewin gave them 2 hogshead of wine for their recreation. In short, "wherever Jews lived," says Göcking, "they showed all loving-kindness to these exiles".

In Vol. II, p. 211 Göcking reports:

A Jew in Koburg who did not live far from town sent on the 21st of June 1732, when money for the Salzburg people was collected, 2 florins to the townhall, with the inscription: "A small present to the poor, stanch, exiled people."

31 Bloch, *Israel and the Nations*.

In Vol. II, p. 487:

The Jews showed so much kindness to the fugitives that the latter were greatly astonished. The Jews of Hessen-Cassel collected more than 4000 thaler amongst them. When they marched through Hessen-Cassel, the most distinguished of the Jews came to meet the poor emigrants and presented them with money. They said the following words: "The position in which we see you makes us think of the exodus of our fathers from Egypt. We are highly astonished at the causes which made you leave your fatherland. We ask you to accept this money as a token of sympathy." Some of the Berchtesgaden people were so moved by these words that they cried out full of surprise: "Is it possible that these people whom we were taught to look upon as enemies put to shame the brethren who pretend to believe like us in Jesus Christ, and yet passionately persecute and expel us!" Some of the Salzburg Protestants emigrated to America, and embarked for Savannah. They settled in Georgia not far from Springfield.

The first immigrants were followed in 1736 by 80 exiled Protestants under the guidance of the Baron of Rock and the Colonel Hermsdorf who settled on a mountain ridge near the river Savannah which they called "New-Ebenezer". There lived in Savannah about a dozen of Jewish families who, like the Salzburg people, had been persecuted for their faith, and had come from Spain and Portugal. One of these Jews invited the weary wanderers to breakfast and did them many kindnesses besides. Of another Jew and his wife whose names have not been recorded, the clergyman Bolzius who accompanied the Salzburg fugitives says in his diary: "The Jews render us so many services that we are quite astonished; they are so honest and faithful that their like can hardly be found."

"The Jews," observes Bolzius in another passage of his diary, "show us great love, and have promised to call on us in our new settlement."

Daniel de Pinto who died in Amsterdam in the beginning of the 18th century was a descendant of a family which had escaped to Holland from the persecutions of the Inquisition in Portu-

gal. Daniel de Pinto was called in Amsterdam "de ryke Jood"; during the riots called Aansprekersoproer in the year 1696 -- produced by the restriction of pomp at funerals ordered by the municipality of Amsterdam -- his house in the St. Antonie-breetstraat, the Joodenbreetstraat of to-day -- was pillaged by the mob before the militia could interfere.

But his last will showed his Jewish sentiments towards his enemies, for besides numerous foundations for the Jewish congregation and the synagogues, every Christian church received 10,000 florins, every Christian orphanage in Amsterdam and in the Hague 25,000 florins, every child that at his death was an inmate of an orphanage in the two cities 10,000 florins upon leaving the establishment. Besides, for a certain time, there were to be distributed every year 40 shiploads of peat among the poor. J. H. Rössing published the text of this interesting last will in the "Nieuws v. d. Dag" (compare *Österreichische Wochenschrift* Number 30, 1912; Number 27, 1914).

#### V. What were the Experiences of the Prisoners of War in Far Countries?

A great part of the work for repatriating the Siberian prisoners of war was done by Jews. The money which was raised in America to cover the expenses of the transport came principally from Jewish sources. The whole scheme was started by the Jewish Joint Distribution Committee, and the agents of the Jewish Committee worked hard on the spot organizing the work of repatriation to the best of their power. The October issue of the periodical *Israel's Messenger* (the English Zionist paper in China) reports that the Jewish colony in Shanghai appointed a committee to assist the prisoners of war who were taken home on the "Scharnhorst". They were entertained on the 10th of October by the Jewish reception committee, provided with clothes, &c., irrespective of creed or nationality. *Israel's Messenger* publishes the letter of thanks which the Jewish congregation of Shanghai received from the representative of the Joint Distribution Committee to which was added a farewell-letter

from Major Uhlig, the commanding officer of the detachment of the "Scharnhorst" which had a strength of 2000 men, for the greater part hailing from Hungary. Major Uhlig wrote:

It made a deep impression on us when, upon coming in touch again with the outside world after six years of captivity, we were treated like human beings, like white men. It is, besides, deeply graved in our memories and will never be forgotten that in the first instance it is due to the Jewish people that such benefits were conferred upon us.

As in Shanghai, the Jewish communities in Siberia, Japan, Singapore also assisted the ex-servicemen. Thereupon the *Jüdische Rundschau* (Jewish Review) observes (18th January 1921): "This does not astonish us at all, but it would surprise us if at home a single non Jewish office took notice of and profited by this lesson."

The sometime manager of the government school in Dalton-Natal in South-Africa, Henry Tietjen, describes in the *Bremer Nachrichten* (Bremen News) the homeward voyage of the 2000 interned from South Africa. Of this account only the following words interest us Jews:

Although it is far from my intention in this narration of events to go into the race question, justice prompts me to emphasize the neighbourly love of the German Jews abroad. Not only in the Netherlands did they try, together with the other compatriots in Rotterdam, to show us kindness; in Africa also they did work for the wives and children of the interned which shamed the pious, but parsimonious and selfish peasants of German origin; many a prisoner had to thank the generosity of the African German Jews for his people being provided against extreme distress.

On the other hand, Dr. Mayer-Ebner (*Österreichische Wochenschrift* 1918, p. 66) describes his experiences in captivity in Asiatic Russia and the North of China as follows:

The German and Austrian financiers and captains of industry started, in 1915, in collaboration with the American financiers an "Organization for the Relief of Civil and War Prisoners in Russia" in Tientsin (North China). There was no denominational or national discrimination. Jews, therefore, were also to be benefited by this fund which amounted to millions.

But at first the prisoners in Tomsk had no knowledge of the existence of the Organization for Relief in Tientsin. Those who turned this fund to their own use kept it a strict secret. In the town of Narim, a prisoners'

camp at the junction of the Ket and the Ob, far from the stir and bustle of the great world, lived the German civil prisoner Wolf whom the Relief Committee in Tientsin had entrusted with receiving and distributing the relief money by himself. This Herr Wolf, a veritable German werewolf, former jingo student and stalwart anti-Semite, got in the course of the years 1915 and 1916 many thousand roubles from Tientsin which at first were distributed among subjects of the German Empire exclusively, eventually also among Austrian Christians. For a long time the secret was carefully kept, but very soon the opulence of some exiles attracted notice, stories were told of drinking bouts of some toppers who treated themselves well in the God-forsaken hole-and-corner towns, and finally more and more persons became partners of the secret and of the relief money. He who made an outcry was sure to be found "worthy of assistance" by Wolf and his henchmen. But in one point Herr Wolf was inexorable: Jews were excluded from relief. It was Christian money, he said, collected by Christians for Christians. We Jews had no evidence to the contrary, and remained silent.

In the summer 1916 we learned of the above mentioned official title of the Organization for Relief which did not at all sound exclusively Christian, and soon we knew that the Jewish financiers and captains of industry in the Central States and in America had contributed most of the fund. In honour to the Germans, I must say that there were gallant, upright men among them who disapproved of the wrong done to the Jews.

The protests of the Jewish prisoners Dr. Mayer-Ebner, Dr. Gelehrter, Dr. Alexander Jonas, and Dr. Seinfeld were unsuccessful. The Jewish origin of so much of the funds did not count with the gentlemen in Tientsin. Herr Wolf remained the confidential man of the gentlemen in Tientsin.

At last he was dropped by them, and with him a whole band of exploiters and swindlers were exposed; but this was not the consequence of the action taken by the Jews. For the wrong done to the Jews would not have prevailed on his brother-anti-Semites in Tientsin to drop him.

The anti-Semitic *Wilenski Wjestnik* in Wilna (1898) had to admit:

It deserves notice and acknowledgment that the Jewish population of Wilna in their cheap soup kitchen not only does not reject the Christian guests, but treats them with the same civility as their correligionists. The Christian element already amounts to 120 persons daily, as much as 15% of the entire number. It must be added that the assisting



members who provide everything for the kitchen are exclusively Jews. But these are by no means only rich people: the hard-earned kopeks of the middle and working classes also come in.

Of course it was according to the prescriptions of the Talmud and the *Shulchan Aruch* that the Christian poor were fed like the Jewish ones.

The *Grazer Volksblatt* of the 19th January 1915 reports about the lecture of the captain of cavalry von Seutter. He had to escort a troop of soldiers to the battlefields of the Carpathian mountains, and in his lecture he tells some of his experiences:

The scenes we witnessed are difficult to describe. Whole processions of fugitive Jews we met, and once we had to requisition some of their horses to get on with our vans, but not without protests from them. We offered those who protested a few Xmas parcels which, in the beginning, they refused, as they were Jews who did not know Xmas. At last their cupidity got the better of them. Another time the escort of an ammunition column on whom we called for assistance promised help on condition that they received goodwill gifts, which, of course, they got.

Well then, if Jewish refugees, plundered by the enemy, robbed of home and hearth, in their dreary wanderings accept a goodwill gift, that is an evidence of cupidity. But if the escort of an ammunition column demands goodwill gifts for their assistance it is, of course, not cupidity.

Of the Jews in Peru, Damian, Baron of Schulz-Holzhausen, the founder of the first German settlement on the Pozuzu in Peru, and author of the book *The Amazona River. Travels in Peru, Bolivia and North-Brazil* (Freiburg in Baden. 1883. Herder) gives an interesting account. As a stalwart German nationalist he is an extreme anti-Semite and thoroughly abuses "our German-Jewish youth who as a pure cosmopolitan, after a few years, is ashamed of the German language, and jabbbers a most funny English gibberish." For once, however, the noble baron is untrue to himself, and that is when he comes to speak of the trifling fact that it was a Jew who saved from certain ruin the baronial work, the colony on the Pozuzo.

This settlement, founded in the year 1857, was provided with everything except the necessities for its existence. After two years, 170 of the 400 settlers died, so to speak, of starvation. The

others have to thank a Jew for their rescue. The German nationalist baron reports (p. 142):

The cattle originally descends from a generous present which a rich Hamburg Israelite, Johann Renner, made to the colonists. This gentleman had been in Lima and from there visited the settlement in the year 1859 when, in its first beginnings, it was in great distress, and made a present to every colonist of a cow, a pig, and a goat, 180 head of cattle in all.

The generous philanthropist even paid the forwarding charges to the colony. He spent several thousand dollars. From this time the colony could breed cattle and had an abundance of meat, fat, milk, &c.

The consistorial counsellor Dr. Schoepf, Professor of Ecclesiastical Law at the Catholic Faculty of Salzburg, says in a letter of the 3rd February 1894:

Allow me to relate a remarkable parallel to that humane action. In 1857 a few hundred Tyrolese, my sister with seven children under age among them, emigrated to Peru in South America. Their funds consisted exclusively of Austrian paper-money which at that time could only be exchanged at a high discount. In Augsburg I went with J. Egg the curate of the emigrants to a Christian banker and asked him to change the money at the smallest possible discount. But he wanted an enormous commission. Then I went to a Jewish money-changer. He said at once: "The people are poor, and want their kreuzers very badly, they must be helped," and he changed the money for an extremely small commission. After they arrived in Peru it was again a generous Jew who befriended our compatriots, namely Herr Renner of Hamburg. He interceded with the government in Lima for the priest Egg, and procured a substantial contribution for ecclesiastical purposes. Besides he made a splendid donation to the colony, namely 60 cows, 60 pigs, and 60 goats.

The supreme army-bishop in Imperial Russia, member of the Holy Synod, Prototzei Kutnewik, once told the above mentioned Professor Chwolson the following story: "When going to school as a child on a very cold day, he could not get any farther and dropped into the snow. He was almost frozen to death when a Jew whom he did not know passed him in his sledge. He found him, seemingly lifeless, took him up, revived him by means of various restoratives, and nursed him back to health. Then he brought him back to his father, a very poor village priest."

Chwolson adds: "The children of the priest are still alive, are sure to have heard of this story from their father, and will confirm it."

In 1843 a fire completely destroyed the rich village of Urt-schitz in Moravia. The parish church was not spared. The distress was great. The formerly prosperous peasants had become beggars as all their property, corn and cattle, had been destroyed by the disastrous calamity. Obdrzalek, the clergyman of Urt-schitz, did all he could to alleviate the distress of his parishioners by personally collecting alms in the neighbouring villages and towns. On a Saturday, Obdrzalek, with the permission of the head of the Jewish congregation of Prossnitz which was only an hour's walk from Urt-schitz, during the principal service, and in stirring words appealed to the renowned charitableness of the Jews. The success of his efforts was so complete that Obdrzalek felt it incumbent upon him to send to the burgomaster of the Jewish community of Prossnitz the following letter of thanks the original of which is among the records of the Jewish congregation of that town:

Dear and most generous philanthropist! Far from my dear, fire-ruined Urt-schitz parishioners — I had to go to Vienna, here to collect doles of relief among the crowned heads and wealthy people — I am not able to thank you personally from my heart for your generosity which in the days of deepest distress you let shine in its brightest splendour. Kindly accept the written acknowledgment of your magnanimity and true neighbourly love, which knows no discrimination between Christians and non-Christians, from a man who as the father of his parishioners entrusted to him by God is sorry not to be a millionaire, only for the reason that he cannot do as much for those in need as he would like to do. May God bless you and your whole house! May Providence reward your charitableness and humanity a thousandfold! The greatest treasures of the globe are best bestowed in such hands! It will be one of my most sacred duties to direct the unhappy people you have relieved to pray for the donors who know how to give. Accept the renewed assurance of my inextinguishable thanks and esteem, with which I am,

your grateful

Vienna, 11th October 1843.

P. Obdrzalek, Parish-Priest.

During the Balkan war (1912 and 1913) the Greek notables who in particular were the objects of the wrath of the Bul-

garians in Serres were in great danger of life. At the entry of the Bulgarians the said Greeks were doomed to death. In actual defiance of death the Jews hid the Greeks in their houses, being in grave danger of life when the Bulgarians searching the Jewish houses looked eagerly for Greeks. The Jews even dug subterraneous passages by which the Greeks in imminent danger could escape at a given signal.

Afterwards the official press-department published the following official note:

The provisional government of Serres and its Environs desires to express through the medium of the press the heartiest thanks of the entire Greek population for the brotherly love which their Jewish compatriots showed to them in the most difficult situation through which we have just passed. Signed:

The Archbishop of Serres, Apostolus Guinis,  
Zarifis Nicolau, Wassil, Hadschi Stoioannou.

The organ of the government enumerated a long list of Greeks who had been rescued in this way.

The Russian paper *Kawkas* reported in 1909 that the Jewish female physician R. Hoplern, practising in Tiflis, "again" started a collection which brought in 1286 roubles, for the benefit of the Medical Institute for Women in Petrograd from which, as is well-known, Jewesses are excluded. In a letter of thanks, Professor Aurep, the director of the Institute, wrote among other things: "You are the first to give this generous suggestion. May your example prove of wholesome influence to the donors of the future!"

Almost immediately below this piece of news *Kawkas* published the following note: "General N. F. Damitsch who just died in Tiflis left a sum of 42,300 roubles to the Russian Literary Association. The interest of this sum is to be spent for orthodox Russian writers; Jewish authors absolutely excluded."

Dr. Radloff, in the Periodical of the Geographical Society in Berlin, 1871, VI, p. 428, reports an interesting experience which he had in the Mohammedan town of Samarkand. He says:

Generally speaking, it cannot be denied that we Christians did not see many kind faces here; there was often a savage fire in the black eyes under the bushy eyebrows, and mechanically we furtively gripped our



weapons as often as we were hit by one of those piercing looks. Only one part of the inhabitants received the Christians with real enthusiasm, the Jews. What a wonderful dispensation! The Jew who for centuries lived in enmity with the Christians in Europe greets the same Christians here with bright eyes, eagerly pushes up to them and is highly gratified if he can nod to them. He proudly looks upon the Christian as his friend and protector; when near him he looks down contemptuously on the Mohammedan. Several Jews invited us to visit the Jewish Quarter. When we came to the first Jewish houses which, from the outside, are not unlike the other parts of the town, we were beset by a crowd which shoutingly escorted us through the street. We were invited to enter several houses, and were kindly received everywhere. Bread, fruit, tea, and a sort of whisky, distilled from grapes, were put before us, and we ate and drank on the gallery, surrounded by a dense crowd which looked at us full of curiosity.

According to the report of the Hamburg hospital of the German-Israelitic community (founded in 1831 by Frau Betty Heine) for the year 1896, of the 1066 sick persons treated there, 22% were Jews, 78% non-Jews.

In a meeting of the Lower Austrian Diet of the same year, the anti-Semitic members suggested to the governor "that by the Jewish paupers of Poland who were admitted into the Rothschild-Hospital, vulgo 'Jews' Hospital' the cholera might be easily spread, since these individuals had not the necessary resistance against the plague". The interpellants finally asked, "whether the governor was inclined to see to it that the reception of Russian and Polish Jews into the Rothschild-Hospital would be stopped". Since persons suspected of cholera were by no means allowed to come to Vienna, it was obvious that it was merely an opportunity for badgering sick Polish Jews.

That the Jews are accused of spreading cholera is nothing out of the common; in Imperial Russia the same accusation was raised against the Poles. In his *Memoirs Under Nicholas I.* Th. von Bernhard gives a report of the ravages of the cholera in Russia, especially in Petersburg, in the year 1848. He says, p. 33 ff.:

My man Jacob retailed me the street rumors, which he, of course, believed himself: In one of the hospitals the physicians danced with joy about the outbreak of the cholera. Poisoners are on the way from Po-



land; 100000 roubles have been sent to a physician, and he dismissed all the old women and men from the hospitals, and set them in motion, &c.

My neighbour, the shoemaker, calls on me and asks me what we think of the Poles, the poisoners. One of them was caught on the Nikolski market, carrying the poison about with him in a hollow stick. Ph. A. Krusenstern called on me. He tells of conflagrations in the province; of course, the Poles are at the bottom of it.

Three witnesses tell me that a man has been killed in our street. Jacob says it was a Pole upon whom a white powder was found; in reality the unhappy man was a Swede who had sugar upon him.

The Vienna antisemites were eager to imitate these models!

In reality the "Polish Jews", in consequence of their acknowledged moderation and abstinence, are much more immune from the danger of cholera than the anti-Semitic Aryan toppers. This was officially stated on the occasion of the epidemic of the year 1892 in Russia:

In Rostov on the Don, where about 15000 Jews live, the number of the Jewish patients compared with that of the Christians is a minimum; likewise in many other towns. Specially remarkable is the fact that those towns in which Jews live in great numbers were spared by the epidemic, i. e., Odessa, Berdichev, and towns of Southern Russia which are all important centres of commerce. In the few Jewish towns where the epidemic did appear, as in Poltava, Jekatarinoslav &c., it is notoriously slight and on the wane.

In Nizhni-Novgorod where more than 10000 Jews live, the cholera raged a few weeks without a single Jew having died of it; there was one exception, the well-known Jew Idelsohn who, in relieving others, sacrificed himself, and died.

General Baranow dedicated to him the following obituary:

Self-denyingly relieving others, he himself became a victim of the epidemic, and had to lose his life for his fellowmen. He showed purely Christian virtues, though he was a follower of the Mosaic law. I shall endeavor to honour the memory of this worthy man by attending his funeral.

While the Russian autocracy persecuted the Jews because they resisted the proselytizing zeal of a Pobijedonostsev, the representative of the Tsar in Nizhni-Novgorod said of a Jewish physician that he showed purely Christian virtues and died the martyr-death for his Christian fellow-citizens. About the

Aryan physicians, the *Cologne Gazette* of the 2nd July 1892 received the following report:

So what in the beginning sounded incredible is really true: physicians in Baku simply refused to treat cholera-afflicted persons, and bolted abjectly. The police-pristav asked Dr. Galpurin to visit together with him a sick woman who was suspected of having the cholera. But hardly had Dr. Galpurin looked at the woman who lay there in convulsions than he disappeared for good and all, without saying a word.

High dignitaries of the Russian Empire felt impelled to express their thanks in official documents for the excellent services which Jews in general and Jewish physicians in particular had rendered during the epidemic. Thus *Ruskaja Zhizn* published the letter which the governor of Kiev, Z. P. Tomara, at that time addressed to the Board of the Jewish Hospital in Kiev. The governor gladly acknowledges that the said Board in due time established a special ward for cholera-afflicted people, and took all precautionary measures to save the principal building and its inmates from becoming infected. He then continues:

On the occasion of a visit to the Jewish hospital (on the 30th August of last year) I gave special attention to the ward for cholera-afflicted people and found that it was properly equipped and kept. There were 182 sick persons in the cholera ward of the Jewish hospital, of whom 81 were Christians. This high percentage proves what I now publicly state with great satisfaction, viz., that the Christians preferred the Jewish hospital, being convinced that they would find there the same careful treatment and kind nursing as the Jews themselves.

The expert inspectors unanimously reported that the attending physicians in the cholera-ward of the Jewish hospital never tired of fulfilling their arduous duties with model conscientiousness.

I, therefore, consider it my sacred duty to express to the honourable Board of the Jewish Hospital in Kiev my sincerest appreciation of the services rendered to the community at large, and besides to ask them respectfully to convey my heart-felt thanks to the chief physician Dr. W. W. Ferliv as well as to the gentlemen who worked under his direction.

*Kievskaya Slova* publishes a letter of thanks of the Governor General to the Jewish physician Sokolowsky which runs as follows:

Dear Mr. Nahump Awramowitsch, You were one of the physicians whom the government assigned to the town of Biele-Zerkow in order to

fight the cholera which raged there. I am glad to be able to say that you did your duty with impeccable conscientiousness and exemplary zeal, and did not shrink from dangers in order personally to carry through the requisite measures. Acknowledging your fruitful and successful activity at the time of deep distress, I am happy to express my special thanks, dear sir, for the services rendered to the empire. Accept the assurance of my best respects.

Kiev, 5th January 1893.

Z. P. Tomara.

Number 76093.

The weekly chronicle of the "Woschod" reproduced the following Order of the Day of the commander of the Caucasus army corps under No. 154:

I learn from the report of the commander of the Caucas grenadier brigade that among the members of the sanitary commission which was established in June in Gombory in view of the occurrence of cholera, there was also Court Counsellor Ostrowsky, a physician of the brigade who extinguished himself by his ceaseless and energetic activities and who contributed the most to the localization of the epidemic through skillful application of rational measures. He, as no other physician, understood how to suppress all factors favorable to the rapid spread of the epidemic. Dr. Ostrowsky not only splendidly fulfilled his direct duties towards the members of the brigade, but also was always ready to help everyone in Gombory and he understood how to infuse a hitherto unknown degree of confidence in the native population by showing them in concrete manner what firm faith in duty and altruism in conjunction with excellent knowledge and fortunate skill are able to accomplish. While acknowledging the great merits of the Court Counsellor Ostrowsky to the Army Corps entrusted to me, I deem it at the same time a most pleasant personal duty to express my sincere thanks to the good man for his exemplary willingness to be of service.

The Commander of the Caucas Army Corps.

General-Lieutenant Parzewsky.

A journalist of pronounced anti-Jewish feelings, Pachimoff, travelled on behalf of the newspaper *Wilenski Wjestnik* in the western provinces of Russia, at the time of the cholera, and this is what he reported:

Congested as the Jews are in the towns of the western provinces, they are by no means the only inhabitants there. In Minsk, Mohilew, and Botrykupsk, for instance, there are also many Christians: Poles, Germans, Great and Little Russians. But the first to appear courageously on the battlefield in order to fight the destroying angel were everywhere the Jews, especially the young generation. Within a few days Jewish young

men and girls had scoured the town and collected so many provisions, tea, sugar, wine, brandy, that in many parts of the towns tents could be pitched in which, without regard to nationality or creed, at all times of the day and night, good fresh hot tea with wine or brandy could be had gratis by everybody. The visitors were attended by young girls of the best Jewish families who relieved each other punctually every three hours. The old people, in their turn, arranged sanitary guards in the synagogues where a doctor or, at any rate, an expert surgeon with the necessary medical appliances was stationed, and three big posters (Russian, German and Polish) advertised: The sanitary guards are bound by the Jewish religions law, without regard to creed, to come speedily to the help of the sick and to do everything to save them, whether they be Jews, Christians, or Pagans. (Quoted in the *Ruskaja Zhizn*. Woschod 45, Dec. 20.)

Pachimoff, an unsophisticated Muscovite, frankly admits that he never had any sympathy with the Jews whom he could only imagine as cold, calculating egoists, but he adds that he will never forget what occurred in Minsk.

In the Russian Family Ch. the eldest daughter fell ill. Panic seized on all the members of the family, and there was no doctor to be found. The distracted mother ran to the nearest synagogue, the sanitary guard of which she summoned. He followed her at once to her house. The able and energetic surgeon succeeded in saving the girl. The happy mother is in tears of relief and tries to express her deep gratitude by pressing a ten rouble note on each of the Jews; there were eight of them. She was extremely astonished to see them one and all refuse the gift. They declared that their work was free of charge for everybody; money gifts could only be given to the Organization through the proper channels. I had been a passive looker-on all the time. But when I heard these Essenes I could not contain myself any longer and cried. "But you have saved a dear life!"

"Not we have done it, but the good God," said an old Jew.

"But your revenge is cruel!" I cried. "We are Christians, Goyim!"

"It is written," answered the venerable man with dignity, "Thou shalt deal with the poor and sick Goy as mercifully and charitably as with those of the House of Israel, and thou shalt bury the dead of the Goyim like thine own."

"Where is that written?" I asked.

"In the Talmud Babli, Treatise Gittin, folio 61" — was the reply.

Towards the end of October 1831 cholera appeared in Bohemia, and visited Prague where it was first detected on the 28th of November. Nobody seemed to mind the epidemic which passed

through the whole of Europe, and preventive measures were taken rather late. On the February 25, there were 3270 persons sick of whom 1348 died, mostly poor people and workmen, so that the number of sick and dead persons was very considerable in Karolinenthal. Among those who devotedly befriended the unhappy victims of the epidemic, Leopold Jerusalem, the owner of a cotton factory in Karolinenthal, distinguished himself considerably. On the 23rd September the sanitary commission of the country, in its report, referred to Herr Jerusalem:

The charitable contributions of the cotton manufacturer Herr Jerusalem deserve high praise. He not only provided gratis the chlorine for the poor Israelites in Karolinenthal, Vysehrad and Lieben, but promised to provide 10 completely furnished beds for the hospital which is to be established in Karolinenthal.

But Leopold Jerusalem did more. When a great number of Christian children was robbed, by the cholera, of their parents and breadwinners he befriended these orphans in a fatherly way. He took lodgings for them, saw them properly fed, provided them with clothes, and as he did not wish them to be without supervision he engaged a woman, the widow of an invalid who likewise had died of the cholera. After having thus provided for the creature comforts of the waifs he tried to provide for their spiritual education as well, as some of the children were bound to attend school, and there was no school in Karolinenthal at the time. He asked the assistant master Engelbert Koubek to teach these Christian children for adequate payment. This asylum, founded by Jerusalem on the occasion of the epidemic in the year 1831, became afterwards the Karolinenthal Infant Asylum, the first institution of its kind in Bohemia, and later on it led to the foundation of the first school in Karolinenthal.

Thus in simple words a local historian, a Czech, describes the deeds of a Prague Jew at the time of the cholera.

When the plague was approaching the Austrian frontier, the Government appealed to the physicians in a public proclamation to report themselves for voluntary service in the cholera hospitals. A large number responded at once. Of these people who did not hesitate to risk their lives, 90 percent were Jews. (The fol-



lowing list gives the names of the Vienna Jewish doctors who volunteered for the cholera service in the empire: Max Sternberg, Moritz Allina, Max Ellmann, Moritz Lederer, David Anhauch, Gustav David, Emil Schwarz, Gustav Eisinger, Hans Kaan, Adolf Wittner, Bernhard Wagner, Alfred Walisch, Adolf Koman, Karl Fischer, Siegfried Mandl, Samuel Chassel, Julius Kulka, Richard Bloch, Siegmund Naus, Ignaz Spitzer, Bernhard Bruner, Ignaz Mader, Sigmund Wiener, Isidor Reininger, Karl Richter, Alfred Ster, Moritz Wächter, Samuel Goldstern, Konrad Friedmann, Samuel Hart, Albert Pascher, Moritz Goldwasser.)

In Peine (in the province of Hanover) a certain Dr. Bock announced in the *Peine Gazette* that he was opening a polyclinic, and added: "Persons without means, are treated gratis; Jews excluded".

It will interest the reader to hear what "plague-regulations" were like in Jew-less times. The *Neue Zeit* (New Times) publishes a Hamburg plague-regulation (1896, p. 161) at the end of the 16th century. In this plague-regulation it says:

As this illness is well-known, and the medical man naturally cannot for the sake of some poor person visit a small, narrow, infected house thus exposing himself to danger of life, he is rightly dispensed from personally visiting such people. But if the gentry or distinguished citizens desire the family physician or others whom, next God, they trust to visit them, then the family physician as well as other medical men must not refuse to do so if offered proper fees. (Gernst, Reports about the early History of Medicine of Hamburg 1869).

These "traditions" seem to have been preserved to the present day in nationalist quarters.

When one winter Herr Kronich junior, the son of the lessee of the Otto Shelter Hut on the Thörl, Rax (Lower Austria), fell ill and showed alarming symptoms, his father rang up several physicians of the neighboring towns asking for help; but although the family Kronich is very popular in German nationalist quarters, not one of the Aryan physicians dared to climb the Rax. Finally, however, the Jew Dr. Robert Mayer of Payerbach, who was not rung up until the evening, without offering excuses, at once determined to undertake the ascent. Dr. Mayer, who was no tourist and had

never been on the Rax, not even in summer, let alone in winter, provided himself with snowshoes, and, escorted by a guide, he began to climb the Rax the same night, and safely reached the hut. He declared the condition of the patient to be critical, gave the necessary directions, and after several hours' rest undertook the descent to Payerbach. On the following day, a Sunday, Dr. Mayer climbed the Rax for the second time under the same difficult circumstances. He found the patient so much worse that he advised that he be taken immediately to Vienna as the young man could only hope to survive if operated upon in a Vienna hospital. The diagnosis of Dr. Mayers which proved quite correct was intestinal strangulation. The transport was successfully managed by ten wood cutters.

In Dr. Haffter's commemoration speech (published in the *Correspondence for the Physicians of Switzerland*, number 23, 1896) in honor of Dr. L. Sonderegger, a well-known and highly reputed physician in Switzerland, the following passage of his autobiography was reported to us:

I began life with no great pretensions; board and lodging and clothes and something like the position of a country parson was what I expected. I was, therefore, agreeably surprised as very soon some notables of the country, even of the far St. Gallen, trusted themselves to my treatment. Having been brought up in awe of my superiors, I saluted the resident colleagues of the neighbourhood with respect, and consulted the one most distinguished of them in every important case. In return for this he expressed wrath and envy behind my back which had the effect of advertising me. The rest of them were without exception agreeable and honest. But the ideal of a physician whose image has not faded even in my old age, a man as distinguished for his theoretical knowledge as he was able in practice, eminently charitable and loyal as a brother physician, the best Christian among us all, that was the old Jew Dr. Steinach of Hohenems. When he lay on his deathbed in the year 1867, the Catholic congregation prayed for him in church. He was the supreme authority far and wide, and the pressure of one of his fingers would have sufficed to kill a young sparrow of a competitor like myself. He guided me like a father, he uplifted me, and laid on me the debt of honour later to follow his example . . .

Under the heading *Preachers of My Young Days*, Ludwig Gersheim published in the Periodical *Die Grenzboten*, number 50,

1916, Reminiscences of his youth and relates how much he had been benefited in Würzburg by two Jews. Of these two "preachers" of his young days he says:

In the acute illnesses by which I was afflicted in my childhood I was attended by a Jewish physician. It was a middle aged man of small stature with long dark hair and beard going grey.

His clothes hung limp and creased on his body. His figure was unimpressive, rather poor, but his eyes radiated brightness and warmth like a rich house, and his heart and hand performed what his kind eye promised. He came frequently and performed all those ministrations which my parents, struggling tradespeople, were unable to give me with the carefulness required. When the child of a poor family in our neighbourhood was badly scalded he applied not only his medical art but also the touch of his soft hand and gave the little patient all the loving-kindness which the labour-burdened parents could not bestow. That his touch was soft I know from experience. It often rested on my wrist and brow. That was the one preacher of my youth. He taught me loving-kindness by his warm eyes, his soft hand and his helpfulness. His sermons penetrated to my heart.

Another preacher of this kind lived across the court in the front building. He was a Jewish magistrate. He was still young, but he looked old; he was one of those who were killed after the war. When before Paris in late autumn he had, when his battery was given the alarm, just been washing his shirt. He had to put it on without being able to wring it out properly. This hard life was beyond his strength. Though he came back home, he was, after a few years of peace, carried in measured steps to his grave. I still see him on the landing. He was trembling as if he still wore the cold wet linen, and gasping for breath. But a kind glance met the boy who pushed past him, and at the time only felt fear of the severe illness which expressed itself intelligibly enough, even to a boy, through the bowed shape. He soon passed away; a relation who had come from his native village assisted him when dying. My mother interpreted to me this picture of the great war; from her I learned what people in the house told one another of the brave Jewish veteran. His doings and sufferings, his quiet, mild presence became a sermon for me and a lesson to which I gladly listened. The Jewish veteran whose greatest riches were a piece of iron in the shape of a cross for which he had paid so dear as only an idealist is able to pay, and the Jewish physician who only accepted scant payment for his time and work, but gave away generously his art and his invaluable care won my heart for my Jewish fellow-pupils. There is hardly a child's heart that was not exposed to brutal influence. Therefore a Christian child will hardly ever meet his schoolmates without bias. I was no exception. But the Jewish

veteran and the Jewish physician cured me of these faults. They were supported by the fact that the aversion for the Jewish schoolmates among us Catholics was not so deep as that for the Protestants.<sup>1</sup>

Sven Hedin in his book *From Pole to Pole* (Leipsic 1911, F. A. Brockhaus) I, p. 52, writes about his illness when in Baku:

I felt so ill, that my mother wanted to join me. My knees were swollen and gave me excruciating pain. Day and night a physician kept watch at my bedside, and did everything to assuage my pain. This physician was an old Polish Jew. In my feverish dreams I saw him walk through the room, quiet and silent, poorly dressed, the picture of faithfulness and devotion. And when his task was finished he refused to accept any compensation for his trouble. I had better give the money to the poor, he said. To the present day the old man stands distinctly before me, with his lined face, his large aquiline nose, and the bobbing cork screw locks at the ears; I still see his gabardine which had once been black, but now had become green in the seams and full of moth holes. I think he is dead now, my old Jew, but he belongs to those whom I shall never forget.

Captain Rudolf Peukert wrote the following letter on the 12th September 1915 from a reserve hospital in Reichenberg about his experiences in the Russian hospitals to the barrister Dr. J. Kohn in Budweis:

There were a few Jewish physicians who, notwithstanding the vexations of their superiors who were true-bred Russians, always provided the

(1) Dr. Merhant, a non-Jewish physician, settled in Hlubochep close to Snichov near Prague. He had a dispute with a Snichov physician, and several other physicians took occasion because of this to place themselves in opposition to Dr. Merhant by reporting his conduct to the *Narodny Politika*. At this, however, Dr. Merhant let it be known quite openly and with significant emphasis that the Snichover physician was — a Jew, which put an entirely different face on the matter. He also reproached the Snichov physician for his "Jewish behavior". This consisted in the fact that the latter was giving the employees of three factories free medical attention and medicaments into the bargain. Could such a thing be borne and go unpunished?

The *Russ* of St. Petersburg, the publisher of which was a son of the proprietor of the *Novoye Vremya*, relates the following incident of the Russo-Japanese War:

"The first detachment of the Red Cross had a doctor in Wafango who refused to retreat, saying 'I shall not leave this place before I have bandaged all the wounded'. This doctor is from Kiev, and I have the honor to inform the *Novoye Vremya*, that he is one of those 'dirty Jews'."



necessaries. We other prisoners also have much to be thankful for to Jewish physicians.

Menasseh ben Israel in his *Teshuath Israel* (Defence of the Jews) published in English in London in the year 1556 writes:

And I know and testify before God who be praised... thrice I have seen that some Flemish Christians had tumbled into the water in Flensburgk, and that our people threw themselves into the water to assist them, and to rescue them from death.

In an interesting book "Annalen der bürgerlichen Tugend oder wahre Fakta zur Bildung des Geistes und Herzens" (printed in 1792 by the Kortenschen Buchhandlung in Flensburg and Leipzig) the following fact is mentioned along with other relevant matters:

Fearlessness of the Jew Abraham of Plauen, in saving an unfortunate Christian!

Three years ago, in Cede, a mile from Genthin in Magdeburg, the village congregation was crossing the neighboring Plauen Canal which was frozen over, in order to chop wood. One of their number, under whom the ice broke, fell in, and although the others reached poles to him, they were unable to rescue him. At this juncture, Providence caused the Jew Abraham to pass, who at once ran quickly back to the house near the gate, brought two lengths of rope, tied one of them about his waist, requesting those present to pull him out with it in case he should fall in. With the other rope, he bravely approached to within a short distance of the opening in which the peasant was still struggling. He threw the rope to him, and he was fortunate enough to draw the man out, and thus through humane feeling, fearlessness, and quick thinking saved his life. This good Jew has also shown himself to be especially active and heroic in connection with several conflagrations.

Magnanimous Readiness of a Jew to save an unfortunate Christian woman on the Sabbath.

"In the summer of 1789, the wife of a day-laborer went into the woods of Lengfeld, a little town in the Frankish District in order to get forage for her cattle. Upon returning, her way led over a narrow path, upon which she stumbled and, due to the weight of her burden, fell into the river which, at that point, was fairly deep. Confused by fright, she could neither throw off her burden or get up with it, and so, weeping pitifully, she was between life and death. It was a Saturday when this misfortune occurred, and a band of young Jewish boys, dressed in holiday attire, were taking a walk on the bank of the river. The cry of a human being quickly attracted them to the place, and one of the



youths, without removing his holiday clothes or considering whether it was right to do such a thing on the Sabbath, sprang, just as he was into the river and rescued the unfortunate woman, — a good help-mate to her husband, and a devoted mother to her children."

"The news of this deed reached the little town even before the rescuer, and the husband of the woman who was saved, came with his children to meet him, and with tears in his eyes thanked the brave Israelite and offered him a present as large as his means allowed. This however the latter declined. The lord of the town wished to show the lad his respects and invited him to the castle, but the noble youth, who was not a resident of the town, went quietly home, and even now no one knows his name. It was sufficient for him that he had followed the will of God who had commended to him neither Christians nor Jews his co-believers, but whatever man was his neighbor — whether priest, or Levite, or Samaritan."<sup>1</sup>

The official *Prague Evening Paper* (February 1903) reports from Luditz:

On the 10th of this month, the six year old Elizabeth Kunz of Klei Werscheditz walked across the frozen Thöni-Schöner-Lake and fell into a hole in the ice. The teacher Wilhelm Dux (a Jew) succeeded in rescuing the child from certain death. Herr Dux, ten years ago in the same place, rescued a boy who also was on the point of drowning.

A few more illustrations.

.. .

On the 13th October 1911, a sensational trial took place before the Vienna Court of Cassation.

(1) The world is otherwise conceived by the brain of the Prussian Junker. When a lecturer before a Berlin scientific society referred to the fact, which is supported by historical sources (See M. Kayserling, *Christopher Columbus and the Participation of Jews in the Spanish and Portuguese Discoveries*, New York, Longmans, 1894) that when Vasco da Gama set foot upon the soil of India, he was greeted by "a Jew from Poland" who served as interpreter, the *Kreuzzeitung* was very indignant and said: "In our opinion this circumstance was in itself sufficient to deprive the great explorer of all the pleasure of his achievement."

Now, according to a report from Madrid, a commission, which had been charged by the Spanish Government with the investigation of the origin of Columbus, has established that the parents of the great discoverer were Jews. The father's name was Jacob, the mother's Susanah, — they were *maranos*. Columbus, who was so careless in the choice of his parents, naturally completely concealed this fact.

A Jewish servant, Fanny Eisler of Lemberg, gave her child out to nurse in Matczyce to the wife of a peasant, Hanka Pyczyszyn, in the beginning of the year 1910, and the woman became fond of the child. The mother paid the nursing money, and the peasant woman was content.

But the Greek-Catholic clergyman Obrieczke was indignant and strongly remonstrated with the foster mother on account of her sin, set the whole village against her, and even preached from the pulpit against the foster mother who suffered a Jewish child in her house, refused absolution to the poor woman, and the peasant woman brought the child back to her mother. But, as is the way of women, when they are to make up their minds, at the last moment she was sorry to lose the nursing money, and she told the mother of the child that she had only brought the child for her to see how pretty it was. But when Hanka came back into her native village, the clergyman continued the persecution and ejected her when she came to confess. In her perplexity, the peasant woman decided to put a violent end to the business. She took the child to the brook, threw it into the water, and the child was drowned. The woman was sentenced to death for murder, the Supreme Court confirmed the sentence, and only the mercy of the emperor saved her from being put to death. But the clergyman went scot-free, though he was the cause of the tragedy.

The "Austrian Weekly", (*Österreichische Wochenschrift*) number 31, file 1911 received the following report from Budapest:

An act of unparalleled brutality was perpetrated in Mohol. A boy of thirteen, Mathias Ven, when bathing in the Theiss, was carried away by the waves. He fought against them for twenty minutes and called for help. Among the people on the bank nobody stirred because they thought that the struggling boy was the son of the Jewish grocer Weiss. The teacher Lorenz Simon said: "There will be a Jew less, at least". The mistake was not noticed before the evening when old Ven who, by the way, is a Catholic churchwarden, recognized his son in the dead body pulled out of the water.

In a speech made by me on October 20, 1891 in the Austrian Parliament I presented a report published in the daily papers of Cracow which describes the following occurrence:

A great crowd was standing on the banks of the Vistula. A young man had tumbled into the water and was exerting all his strength to gain the bank. But nobody came to his assistance. "Let him drown," called the on-lookers, "it is only a Jew!" In a tone of triumph they added: "Now it is all over with him, he is sinking!" Presently a young man pushed through the crowd, threw himself into the water, and brought the insensible youth back. The on-lookers rewarded the young hero with taunts for it was only a Jew he had saved! But soon the taunts ceased, for they learned that the rescued youth was a Christian, and his rescuer a Jew!

As relevant to this occurrence, I read the report of a daily paper in Friedheim near Nauheim in Upper-Hesse of the 25th February 1889:

A terrible accident happened last Saturday on the ice in Nauheim by which three human lives were lost. A Jewish merchant, Herr Moritz Löb of Friedberg, met with his death when trying to rescue the Protestant Theologian Gustav Holz who was sinking. Yesterday Löb was buried. A funeral procession the like of which Friedberg has never seen before passed to the Jewish cemetery through the streets of our town. All civil and military dignitaries, the seminary of teachers and preachers, men and women, youths and maidens of Friedberg and the entire neighbourhood paid the funeral honours to the deceased. A barouche was filled with splendid wreaths, flowers, palmtwigs with scarfs, all sent by Christian fellow-citizens. A number of his Christian women friends, each with a beautiful wreath, followed the procession. Crying and sobbing were heard a long way off. Thousands of people were in attendance. In pithy words the teacher Ehrman told what the young man had done. "The poor parents," he said among other things, "have been deeply wounded by the grievous loss of their most promising only son, but it may be some consolation to them that he was so highly and so generally beloved, and the slanderers who try to sow the seed of discord and hate between the followers of different creeds are stricken dumb at his grave."

The Protestant Minister W. Becker in Breslau reports in the *Missionary Monthly* number 9, 1890, folio 46:

Max Kronheim, a Jewish shop-assistant in Friedland, rescued on the 31st December of last year a Christian boy of nine who fell into a millpond.

From Oppeln it was officially reported:

The pupil of the highest form, Kurt Fränkel in Neustadt, who on the 30th December of last year rescued the son of the weaver Franz Grebel who had fallen through the ice of the millpond hereby receives honor-

able commendation for his presence of mind and helpfulness. Oppeln, the 3rd April 1894. The Governor.

Another official report in the daily papers of Gelnhausen runs as follows:

His Majesty the King granted to Simon Reis, the son of the tradesman Markus Reis in Gelnhausen, the medal for life saving. Councillor Baron of Riedesel presented the medal to the young man who is 18 years old with the words: "I am very pleased that a son of our town receives this distinction, and the Jewish congregation of this town will be not less pleased at your action and the most gracious recognition."

The young man had rescued a human being from death by jumping into the rushing and swollen waters at the risk of his own life. Reis was a Jew, the other was a Christian.

The *Angermünder Kreisblatt* received the following communication from Stargard:

A bad mischance happened to a young man well-known as a staunch anti-Semite. He could not help being rescued from death by a Jewish woman. The said nationalist Aryan when angling for eels, was caught in one of the nets near the Corow mill, and was on the point of being drowned when a Jewish woman who happened to pass driving, hastened to the bank and drew the anti-Semite, by throwing him a rope, on dry land.

On the 24th December 1890 the Jew Michael Hauser, near the Brigitta Bridge in Vienna, rescued a Christian student named Julius Grebner from the icy-cold water, and thereby caught a chronic ailment.

The relations of a child rescued by a Jewish boy wrote the following letter to the *Neues Wiener Tagblatt*:

To the Editor of the *Neues Wiener Tagblatt*.

Dear Sir, As you reported in your evening edition of the 2nd a child was rescued from death by drowning by a boy of fourteen. This child is ours, Ernst Schenkirch, six years old, pupil of the first form in the 2nd district. Since we are unable to show our thankfulness by other means to the daring boy who at the risk of his own life jumped into the Danube in which our child had already gone down, and saved it, we, the undersigned parents and brother express our thanks to Ignaz Spiegel, and hope that he is going to be praised by all the citizens of our city.

Johann Schenkirch and Magdalene Schenkirch (formerly Drasal), parents; Andreas, brother of the rescued child.



The Governor of Lower Austria sent for Ignaz Spiegel to compliment him on his deed.

From Nachod the *Österreichische Wochenschrift* received the following communication:

Nachod, the 8th September 1893.

With regard to the report of a Jewish boy having rescued an Aryan child from death I beg to tell you of an event which is in striking contrast to the one mentioned in your paper. On the 22nd of July a girl, called Maslo, went near the river Mittau. She was unfortunate enough to tumble into the water. Several Aryans saw it, and one of them wanted to rescue the girl. But as it was a Saturday, and the girl was well dressed, they supposed it was a Jewess, and the one who wanted to assist her was kept back with the cry: "Let her drown! It is only a Jewess!" The girl sank, and was seen no more. Later on it was ascertained that the girl was an Aryan, and had put on her Sunday-best because it was her name-day. — Now here we see a Jewish boy who rescues a child from death, and at the danger of his own life; and there Aryan Christians who let a child drown without assisting her because they take her for a Jewess.

Another report in the Prague *Narodna Politika*:

In danger of being drowned when bathing. — On the 2nd of this month there were several children bathing in the Iser near Eisenbrod. When playing at horse and rider, a boy of 14, Josef Stransky, and another of 11, Franz Dobias, were in danger of being drowned. Their two comrades, the brothers Dlouhy, tried to save them, but also sank. Herr Emil Kuh, the son of a tradesman, who was just coming along, without thinking twice, jumped into the water — whereby he hurt his hands — and rescued the four boys, one after the other. Three of them soon recovered, but it took a long time to bring Stransky to life again.

When a Christian house proprietor in Floridsdorf near Vienna was compelled to sell his house, he most urgently asked the new proprietor not to drive his old mother into the street. It would be the death of her if she had to leave the house with which her fondest memories were associated. "What do I care for your mother?" replied the new proprietor — he was an Aryan, a follower of the faith of love. Now, as chance would have it, the same house was sold again, this time to a Jew, Herr Redlich. When he heard through me of the old woman and her heart's desire, he declared: "As long as your mother lives she will remain in this house — without paying any rent whatever."



The principal of the Virgin Mary-Establishment in the 3rd district of Vienna, Superior General Franziska Lechner of the Society of the Daughters of Divine Love, while the anti-Semitic agitation was running high requested a Vienna Jew to start a collection among the Jews for the inmates of the establishment, Christian orphans. She told him that she was very much indebted to many Jews for gifts, but, that now, with anti-Semitism rampant, and the Jews rightly exasperated, she lacked the courage to apply to them again personally. Therefore, following the advice of the archbishop, she asked the gentleman for his intervention.

Lazar Isaak Goldstein who died on the 4th August 1850 left, besides other grants, several for sculptors and mathematicians of the Catholic religion.

But the Vienna municipal board administrates numerous endowments left Jewish benefactors for poor people "regardless of denomination". During the Christian-Socialist rule, no Jew ever received any relief from such endowments. The grants for journeys of the "Singer-School-Stipend" were pocketed exclusively by — anti-Semitic agitators. A married couple, Lazar and Katharine Goldstein, left an endowment for poor widows; widows of rabbis or teachers were to be preferred. When this grant was published, the Christian Socialist administration asked for a certificate of baptism. (*Österreichische Wochenschrift* file 1901, p. 754.)

In the German-Conservative Association in Frankfort in December 1895 a clergyman, Julius Werner of Beckendorf near Oschersleben, held a lecture in which he exhorted the auditory to an energetic war against the Jews. This clergyman, when a student of theology, had enjoyed a scholarship which a Frankfort Jew had founded for students of all denominations.

An undergraduate, Franz Thim of Brünn, in order to prove his nationalist ardor, provoked a Jewish colleague, and when the latter challenged him he answered derisively that as a Jew the latter was disabled from getting satisfaction. Thereupon the brave German was slapped in the face. There ensued a free fight, and afterwards a disciplinary enquiry, and there it leaked out

that Franz Thim, the Aryan, had not considered it beneath him to apply, in 1902, for the "Sax Grant for Technical Students" in the Vienna Jewish congregation. He did not get it because there were other Christians applying for it who were more fit.

The *Bielitz-Biala-Anzeiger* of the 16th July 1904 published the list of contributions during half a year for the erection of a Home for Sisters of Mercy. Two thirds of the contributors were Jews (the names may be read in the *Bielitz-Biala-Anzeiger*).

In Prague, the municipal board administrates several Jewish endowments for poor Christians, for instance the Lämél endowment which grants lodgings for life to 25 Jewish and 25 Christian families; the Reisch endowment which gives lodgings and money to six Jewish and six Christian families. Then there are other endowments for Christians only i. e., those of Frankl, of Freund, of Rosenberg, of Teller, of Bunzl, of Heller. But when in Graslitz (also Bohemia) grants for poor pupils were distributed, and a poor Jewish widow asked for one of them for her son who had very good certificates, the clergyman P. Schöbitz protested most emphatically. (*Österreichische Wochenschrift* file 1893, number 49.)

A rich Jew in Kiev gave the municipality 200,000 roubles for the foundation of a bank for poor artisans, but expressed the wish that one Jew should to be on the Board. The town councillors declined the endowment from fear that a Jewish artisan might be benefited by the grant of the Jewish benefactor. (*Österreichische Wochenschrift* 1886, p. 278.)

In 1897, the Lower Austrian Diet, which then had a majority of Christian Socialists, refused in the meeting of the 5th February to continue its subsidy to the Jewish Orphan-Asylum, although the Jewish population of Lower Austria included some of the highest tax-payers. This attitude made a most unpleasant sensation and induced a number of liberal Christians pointedly to grant gifts to the Jewish Orphan-Asylum.

In the gardens of Baron Rothschild in Vienna Christian workmen are employed as gardeners of various degrees. They are well paid, but their Christian hearts suddenly felt oppressed when alongside the many Christians one Jewish qualified gardener was

appointed. That was incompatible with their Christian piety. They ate the bread of the rich Jew, but they could not bear the thought that a poor Jew also should earn his bread. He had to leave upon their threat to strike.

Before the criminal judge Dr. Gaunersdorfer, Jakob Kästenbaum was accused of fraud. He had the authority to collect gifts for a Jewish Sick Association. His instructions were to apply to Jews. The toy merchant Rudolf Lehner sued him for fraud because he had also applied to him for a gift. And the Public Prosecutor officially took up the action. The judge told the Public Prosecutor: "This is not a fraud. He who makes a charitable gift does not inquire about the denomination of the persons benefited by it." Public Prosecutor: "It is not all the same to everybody how his gift is employed." Witness Rudolf Lehner who had brought the action said that he had given nothing to the man, and never would give anything for a Jewish Sick-Association. Judge: "What did the accused tell you when he came?" Witness: "As far as I remember he told me he collected money for sick persons." The Public Prosecutor moved that defendant be punished, but the judge acquitted him.

Nevertheless the Committee for Employing and Feeding Boys in Breitenfeld (Vienna VIII, Uhlplatz 3) which exclusively benefits poor Christian children and openly calls itself a "Christian Establishment" sends its begging letters also to Jews. And these Jews give, and help, and assist, and never inquire after the creeds of people in distress.

In 1892, November 25th, I read, in illustration of the catchword of Jew-hatred against Christians, a special document which I quote from the shorthand minutes:

There are also Jewish teachers in the Vienna schools, and you know, these Jewish teachers have a hard life of it; the anti-Semites see to it that they get no peace. I beg to read to you a document about a Jewish teacher. The school question interests all parties, every Member of Parliament, and I think this document will be of value to every member.

A railway porter of the Nordbahn who made a poor living out of his scant salary had the misfortune to lose his wife who left a boy. This unhappy child got a second mother owing to whose long-continued ill-treatment the child became epileptic. A heart of stone would have pitied

the child, but the stepmother had her own children, the little boy was in their way. The father was rarely at home and had to keep silent.

Naturally the child was happy to go to school, and cried upon going home. The master taught the child what "love" means, with him he became familiar, confided to him his sorrows, when the stepmother illtreated him with an iron bar, his hunger, when he was left without food for days. But the consequences of the discipline at home soon set in; in the third form the child, on account of his illness, could not be kept in school any longer. The boy was in despair.

It was then that the master prevailed on the father to put the boy out to board. A relation received him in her home for five florins a month, and this home which under other conditions would have been looked upon as a wretched one — the relation lived with another woman as sub-lodgers in a dark backroom — was a happy one for the poor boy.

At least he had got rid of his stepmother's discipline.

The teacher often had the boy to his home, gave him lessons, and kept many a palatable morsel for him. The boy was happy. But he was so often visited, even in the lodgings of his teacher, by the illness that it was to be feared that the child would succumb one day to such a fit. The teacher now preferred to call on the boy every day. It was no small task, no small tax on the health of the teacher, but he did it. For nine months — from the middle of March till the middle of December 1883 — the sickness of the child lasted. On the 16th December when the teacher came as usual the boy had a fit to which he succumbed.

The Vienna School Board sent a complimentary letter to the teacher and this is a copy of it:

"To Herr Isidor Faltitschek, Teacher in Vienna.

"The District School Board of the City of Vienna is happy to acknowledge your humanity in taking the trouble to give the epileptic boy Hugo Bechtolf gratis instruction in the elementary subjects.

"Of this you are apprised.

Vienna, 2nd June 1883.

The Deputy-Chairman Gerold."

I have nothing to add to this fact, except that the boy was a Christian child, and the teacher a Jew. Now you will say, that an anti-Semitic teacher would do the same. Yes or No? (Great mirth. Member of Parliament Mut: Certainly, if he is a conscientious teacher!) Certainly, if he is a conscientious teacher, it will happen. I shall give you an instance. In the second district there is a teacher who in the *Deutsches Volksblatt* publicly complained of the insolent request of a Liberal. What had happened? He was to assist in a collection for poor orphans regardless of creed. The teacher in question "flew into a passion, and sent the rag back with the remark that he only took part in collecting money for Christian children." (Member of Parliament Mut: He is quite right!)



Now imagine, gentlemen. A poor unhappy child, an orphan, and a Jew besides, innocent of the evil in this world, must suffer by the merciless hate against the Jews. *Documents of Enlightenment* 3, p. 57.

Gentlemen, it happened twice in Vienna that Jewish boys had their eyes put out with knives by their Christian schoolmates, only because they were Jews. The boys were sentenced in court. But tell me, gentlemen, what education is it that results in such a deed? *Documents of Enlightenment* 3, p. 81.

But when the *Neue Freie Presse* published the appeal of the teacher Wilhelmine Semmler for half a dozen poor Christian children in Ottakring, whose mother, the widow Obiltsch, was ill in a hospital, there were collected by this "Jewish Paper" 1675 florins, by Wilhelmine Semmler 4874 florins, so that the poor children were saved from present misery, and preserved for a happier future.

And who were the donors? Jews exclusively. What was particularly uplifting about it was that the greater part of the gifts came from children. The Jewish children emptied their savings-boxes for the Christian ones, the Jewish children denied themselves a few kreuzers for the poor Christian children who will perhaps jeer at them for being Jews, or put their eyes out when they leave school together. — It is just as if the great lover of children who said, "Suffer little children to come unto me", or, "Love thine enemy" had had the Jewish children in his mind. *Documents of Enlightenment* 3, p. 162.

The war-correspondent of the *Neue Freie Presse* reported to his paper in January 1915:

The field-chaplain of an Hungarian Honved division, an invalid, was following the advancing army in a carriage when the vanguard came to grips with superior numbers of the enemy. The commander had underrated the strength of the Russians, for the division was routed and fled. The driver of the chaplain did everything in his power to save his master. But when he saw the hussars retreat he jumped from his seat, unharnessed the horses, and fled. The clergyman could do nothing but run into the next village. He arrived breathless before the first house, behind him a troop of yelling frantic Cossacks. "For God's sake, hide me!" was all the chaplain could utter. The owner of the house, a Jew, led the chaplain, nay, threw him on the bed of a servingman which stood in the hall, and barricaded the hiding place as quickly as he could with sacks full of potatoes. A second afterwards the Cossacks were there and clamoured for money and gin. They got both. During the whole night, the clergyman in his hiding place heard the carousing, cursing and shooting of the savage fellows. They looted the village. Next morning they were gone. The Jew removed the sacks, the chaplain crept out. Only now the Jew learned whom he had lodged; on account



of the black cap and the gold braids he had taken the chaplain for an officer. Now that he saw it was a clergyman, the pious Jew became twice as eager as before. The following plan was contrived. The cassock and the tell-tale cap were buried, the chaplain put on the gabardine of his host, and both tried to reach the nearest Austrian detachment. This was accomplished. When the chaplain had safely reached the intelligence patrol of his division, the Jew pulled out a sack and gave the clergyman his cassock and cap. He had not buried them, but taken them with him. He kept it from the clergyman, "so that he should have no fear". -- "I know the names of all concerned," the war correspondent of the *Neue Freie Presse* concludes his report.

The Annual Report of the Protestant Infirmary of Mercy in Königsberg (Prussia), gives a full account of the war work of its sisters. We quote:

In Johannisber we learned that a little band of sisters was working 30 kilometres across the frontier, in Kolno. Therefore the carriage was directed there. The road was very bad, but the visit was worth while, because the lonely sisters were greatly rejoiced. One of the sisters worked in a hospital that was fixed up in the synagogue of Kolno, and it was strange to see in this place of worship the sick beds, and the altar covered with all sorts of medical appliances. But the behaviour of the wounded was adjusted to the dignity of the place.

A charming story was told us by the Sisters of Mercy from Suwalki. As long as there was no clergyman, the orthodox Rabbi of the place had the care of the wounded and dying. But because he was at home only in the Old Testament he got somebody to write down "Our Father" for him and having learned it he recited it to the Sisters' for them to see whether he pronounced everything correctly. Then he used to repeat it to the suffering and dying that they might find comfort in their own prayer. This helpfulness and broadmindedness we shall never forget.

As a contribution about the characteristics of the Jews the following war experience was published in the *Dresdner Volkszeitung* by Nikolaus Osterroth, a member of the German National Assembly:

Not the colour of hair and skin, not the shape of the nose make the man, but his feelings. I was quartered on the Polish frontier, near terribly visited Kalisch with its mostly Jewish population whose pitiable homes war had destroyed, whose scant livelihoods war had exterminated. In the summer, 1915, when the cherries were ripe, an old invalid Jew, the father of many children, was caring for a number of cherry trees in order to earn his living by selling their fruit. The soldiers pilfered the cherries and when he cried for help they ill-used him

atrociously into the bargain. I took him under my protection and wished to report the evil-doers for punishment. But the old Jew frustrated this. A week afterwards dysentery broke out, and I was brought into the crowded hospital. With me was one of the torturers of the old Jew who somehow heard of it. From this day until we recovered, he appeared every morning at the window and brought milk and white bread not only for myself but also for his torturer, and persistently refused every payment. Who in these traits does not see the portrait of Lessing's Nathan? In the spring of 1917 during the worst "turnip time" I was claimed by my Organisation for Trades Union Work, such as legal protection, particularly required by those poorest of the poor, — war cripples, war widows, and orphans. In order to relieve great distress I often had to go begging for my charges. I never knocked in vain at Jewish doors; it was different with the Christian well-to-do classes. "Christian" mercy as a rule I only found unreservedly with Jews. A merchant of Jewish extraction whom I know very well gave my poor people — on condition of strictest anonymity — cartloads of cheap "peace wares" partly gratis, partly at peace prices

(1) On July 15, 1891, there appeared before Dr. von Heidt, Judge of the Criminal Court in Vienna, Heinrich Edelmüller, a pupil of the industrial continuation school in Antonigasse, charged with having attacked his Jewish fellow-pupil Sigmund Faerber, and on no other ground but that Faerber was a Jew, putting out his left eye, with the words "Here is another one of those Jewish bankrupts!" On May 14, of the same year, three Christian pupils of the technical school attacked a Jewish pupil about nine o'clock in the evening and put out one of his eyes.

In June 1896, the following case came up in court:

"Jacob Heller, a 63 year old peddler was going through an alley, calling to the windows above. At the same time, Franz Mauser, a cabman who was driving by, heard the old peddler and shouted to him: "Jew, it be much better if you went to work!" To this the peddler answered: "When I was as young as you are, I also worked." This reply enraged the cabman to such an extent that he sprang from his cab and gave the old man so terrific a blow that he collapsed and remained lying in the street in an unconscious state for ten minutes. Mauser was summoned to appear before the Judge of the Criminal court for breach of the peace, but he failed to appear.

The judge asked the peddler who had been subpoenaed as witness: "Do you demand any compensation from the defendant?"

Witness: No. I don't wish to have the man punished at all. He no doubt has wife and child at home, and should they do fenance for the error of their provider?

The Judge sentenced the defendant to a week's arrest for contempt of court.

instead of selling them, as others did, at extortionate prices, — a magnanimity before which I take off my hat because I found it to such an extent only in Jews.

In the Innsbruck periodical *Widerhall* number II, 15. March 1919 the following report was published:

Among the big peasant proprietors, as among the town-people, there are those who have become brutalized by their riches, people who from these years of common distress learned only one thing: how best to sweat their fellow-beings. They have acquired a proficiency in this art which can only be called subtle. A confirmed rogue in devising means for emptying other people's pockets could not display more resource. During all the time the egregious grumbler of a peasant did himself well as in times of peace. He ate his carps swimming in grease, his rich cake, his bowls full of milk, without turning a hair when some poor devil, with the empty milkbottle in his rucksack, knocked at his door. "We haven't enough for ourselves" — how often we heard this information which destroyed all our hopes. But in the dairy there was one basin of milk near the other, and the cats were plump and sleek from drinking their fill of the precious beverage.

The writer of these lines, when asking one day whether he could not get a cup of milk for his child, received the answer mentioned above. As if to mock us, the peasant poured the cow's milk that had just come from the shed into two large basins and set them before his cats. And this at a time when the want was at its highest.

The daily papers of Brünn, in the beginning of May 1893, published the following report:

On the third there were many passengers in the station of Pausram waiting for their train due at 8 o'clock. Among these the 60 year old Karl Chmelik of Czerkonitz in Bohemia, a smith with a heavy bundle on his back. When the train arrived the passengers went down the steep flight of stairs. Suddenly Chmelik fell on the rails and was unable to rise. The train was steaming in. The waiting passengers warned the engine driver by excited shouts; he put on the brake, but was unable to stop the train at once. At the critical moment one of the passengers jumped to the old man, and defying death dragged him from the tracks. No sooner were both free from danger than the train passed the spot. The rescuer of Chmelik is Herr Wilhelm Löw, partner of the firm of Löw Brothers in Brünn. Not only all the people present in Pausram, but also the railway officials in the stations of Reigern and Brünn were full of praise for him. *Österreichische Wochenschrift* 1893, p. 426.

In connection with the period of suffering of the present incumbent of the Ministry of Finance of Czecho-Slovakia, who,

during the war, was imprisoned in Vienna, pending trial by court martial on the charge of high treason, his friend Dr. Gustav Fuchs, relates the following episode in the *Prager Tageblatt* of April 1923.

It was about five months ago, that Raschin, on the occasion of an accidental meeting, begged me to accompany him on his daily trip from the Zivonstenska Bank to the *Listy*. In the middle of a talk on politics, he addressed to me the question whether I knew, from my stay in Vienna, a certain Dr. X, who was the secretary at the time of the trial by a court martial of his case of high treason. "This simple, modest Jew was one of my greatest benefactors. I would like very much to see him now and grasp his hand for the many great services which he did for me at the time of my greatest degradation and of my exclusion from the world. I was a complete stranger to him and must have appeared to him, on the strength of military reports a criminal to be treated without consideration." Raschin, this man who to all appearances appeared to be humanly unapproachable, spoke with a warmth that was almost touching. "This outwardly forbidding Jew, at great personal risk, did extraordinary things for me, a person whom he did not know. He informed my people of my situation, he corresponded with them for me, although this was forbidden, and he brought about my spiritual salvation by procuring for me scientific books which he secretly slipped into my hands or brought to my cell. All these services he gave me unselfishly, prompted by the feeling that it was the case of a human being who was being persecuted on all sides. I do not even know whether he was not convinced of my guilt. But even more than by his attitude during my confinement, I was touched by his behavior thereafter. Czechoslovakia established, I became its first finance minister. Many real, but also many doubtful friends during my past, found their way to me. But the Jew had disappeared, and in response to my letter of thanks after the revolution, came only this brief reply: "I only fulfilled an obvious duty as a human being."

Raschin implored me, in case the opportunity arose, to create



the occasion for a visit by the young man to Prague. "To Vienna, I hope, I shall never again be compelled to go."

One day, the secretary who had now become a high bank official, appeared in Prague on professional business. I conveyed to him Raschin's wish, but Dr. X declined to pay a visit to the Finance Minister. "Raschin and other people might believe that I was looking for thanks and reward."

The attitude towards the Jews is often an index of the attitude towards other people. On the 16th April of 1903 an old woman of 70, charged with begging, appeared before the court in Wiener Neustadt. The report said that the old woman was unable to do any work, and had hardly eaten anything for a whole week. When questioned by the magistrate the accused replied: "I have a son who is parish-priest in Maiersdorf. We were very poor; we stinted ourselves to give our son an education. He became a clergyman. At first he took us into his house, but there was a housekeeper who could not bear us. Our son always sided with her. He made his house a hell for us, and once for all gave us 15 florins, and we left." The magistrate did not believe this justification. But the culprit was exonerated when the clergyman Challa from Maiersdorf was examined. He admitted that the old woman was his mother, but said in his defence that his parents had disparaged him in the eyes of the population of Maiersdorf. Magistrate: "Is it true that you do not support your parents any longer?" Witness Challa: "I applied to my superiors (the parsonage of Maiersdorf belongs to the Cistercians convent of Heiligenkreuz-Neukloster) and they told me that I was not bound to support them." The magistrate shook his head and said: "This is not true," acquitted the accused, and referred the case to the Board of Guardians to enforce the legal claim of support on the priest.

The Mannheim *Allgemeine Zeitung* publishes the following report from Bamberg:

Dead of starvation, covered with vermin, with her back quite sore the 70 years old poor cottager Anna Katharina Geck in Niedermirsberg, Bavaria, was found on Sunday morning, lying in her dirt. The villagers by turns had put victuals for her on the windows-sill; otherwise nobody



gave her a thought. The burgomaster pretended to have charged the beadle's wife with the care of her, but the former had gone for four days to the missionary fête in Forchheim. The guardian of the poor was away at the Catholic meeting in Mannheim. The divisional surgeon stated that death was due to neglect and set in at least 24 hours before the dead body was found.

This item of news was thus commented on by a Munich paper:

This is the second case of the kind in Bavaria. Scarcely three months ago, on account of a similar sensational event in Amberg, the clergyman Bergler was sentenced to a week, the burgomaster to three months imprisonment. But this seems to have had no effect. *Österreichische Wochenschrift* number 36, 1902.

In the immediate neighbourhood of Vienna, in Schwarz-Lackenau near Floridsdorf, a young Christian was found murdered. A few hours before, the victim had been seen, still alive, but in agony, by passers-by. The latter were patres and pupils of the Jesuit boarding school in Strebersdorf. The official report of the police, also published by the *Deutsches Volksblatt* said:

The murder had been committed in the first hours of the afternoon, and at a quarter past four six persons at intervals passed the spot. They were teachers and pupils of the boarding school of St. Joseph in Strebersdorf. They all saw the unhappy victim in his agony. First he sat there covered with blood, and with his hand to his head on the stone embankment, then he lay down and waved his hands. The passers-by were horrified. They were afraid of the murderer who might be near, and then hastened on, since the day was closing in, and they wanted to be back in time.

This was not a mere isolated incident in Vienna and in Austria since the outbreak of anti-Semitism. It was quite natural that indignation and resentment should have followed when a peasant woman of Rekawinkel shut her door in the face of the dying burgomaster of Vienna, Dr. Prix, when he came to her house as to a last resort in his critical condition. On February 25, 1894, while on a Sunday excursion with some friends in the Wiener Wald, the creator of Greater Vienna, overtaken by a serious illness and unable to walk any further, dragged himself, with the help of his companions, as far as the first houses in Rekawinkel. They knocked at the door, begged for shelter for the dying burgomaster, and were turned away! A second house was

tried in the hope that more compassion would be found there. With voices choked with tears, they asked for a carriage or a hand-cart in which to transport the dying man. "We haven't any," was the answer. "How about a wheelbarrow?" "Yes, that we have." "Then let us have that!" And then the report came that it had been loaned. It was altogether impossible to move the people to allow the dying man to come in, and the door was rudely slammed to. The *Vaterland* wrote: "He found no hospitable sanctuary when he was suddenly overcome by deathly sickness on the country road. Immediate nursing and restoratives might perhaps have saved him. But the doors upon which one knocked remained closed. As night was closing in, the dying man was dragged away, and he died in the street." The daily press expressed wrath over "the barbarians of the Wienerwald". Nevertheless a similar case of heartless egoism occurred soon after in Steiermark. In the so-called Lurloch near Semriach, seven members of a cavern exploration society, among them the superintendent Fäsching, were caught in a cavern by the overflowing of the waters of a brook which made it impossible for them to emerge. From far and near came persons who exhibited the liveliest sympathy for these persons on the verge of being buried alive, and measures were taken to rescue them. And yet, several farmers of Semriach raised an outcry against having this work done on their land, and demanded in advance an assurance that they would be indemnified. If the rescue work had depended only upon the good will of these dear old farmers, the cavern explorers would never more have seen the light of day. Those, however, who unselfishly participated in the rescue had their watches and overcoats stolen by the good Christians of moral Steiermark.

The Christian "love for the fellow-man" and "mercy" in the shape given to these virtues by the anti-Semites found a drastic illustration worthy of them in the case which a newspaper in Saxony reports.

Not far from the lovely Loschwitz (Saxony) which is connected with Blasewitz by a bridge in course of construction there is a substantial villa belonging to Stündler, a very well known pietist in Dresden. On

the front above the main portal there is to be found the inviting legend: "Come unto me, all ye that labour and are heavy laden." Matth. 11, 28.

While on the railing there is a board with the warning: "Trespassers will be prosecuted. Dangerous dog within."

Between the lessons of Christ and the lives of the western peoples there has yawned for almost fifteen hundred years a deep abyss, and the contrasts are incompatible and irreconcilable. This discrepancy between religion and life, between lesson and instinct, is peculiar to the western peoples because with them religion did not evolve naturally, but was imposed from outside. Christianity did not originate in their blood nor did it penetrate to their blood; it remained paint and varnish. Powerfully as the Church permeated the life of the Aryan peoples, the effect of the purely Christian idea embodied in it and by it was insignificant. Reluctantly accepted, imposed by hellish coercion, it was not fused to the innermost nature of the Aryan. The way of life, economics, politics, public administration, warfare did not allow themselves to be influenced by the maxims of St. Paul. A religion cannot be transferred as lightly as a uniform or a new machine. Even admitted that in no religion are its professors upon a par with its ethics, the difference between the teachings of religion and life in the west is especially great. The nations are varnished with "Christianity"; mind, blood, instincts have not become Christian. The misfortune of the Jews consists in the Christian nations calling themselves Christian without being it.

Socrates propagated the most glorious moral doctrines which, nevertheless, did not succeed in transforming the Athenians into moral beings after his heart. Seneca, in his works, pronounced such splendid ethical maxims that they were likened to those of the Apostle Paul. But his friend was Nero (who set the human torches on fire in his gardens, and who threw the first Christians before the beasts) and his contemporary Rome was full of ethical monstrosities. But Judaism succeeded, not only by beautiful words, but by its whole social evolution in educating the true Jewish heart which is easily moved, stirred, gripped by pity and mercy.

Indeed, Christianity also was not deficient in men before whose minds floated the dream of a refined humanity by the complete fulfilment of the teachings of Jesus Christ and by suppressing the hereditary pagan instincts of hate against the aliens.

A great many voices of such men we have already quoted and we could cite many more.<sup>1</sup> The most remarkable, which

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(1) The famous leader of the Catholics of Germany, Windthorst, said on November 20, 1880, in the Prussian Chamber of Deputies:

"One of the chief points about which Jews can complain is, according to my view, this: that when a single Jew has, or a part of a number of Jews have done something which in justice should be condemned, this action is generalized and ascribed to the mass, as if it concerned the entire Jewry. This is basically perverted and basically contemptible. If there is a complaint against individuals or a section, this should be concretely directed against the individuals or the section but the matter should never be generalized and the entire Jewry condemned, for among them are persons of the most honorable character."

The following is quoted from a French Journal:

"An official of the city administration has made the observation that when a single mouse gnaws into a bag of flour and eats half of the contents, the observers of the damage will say, 'It was mice'. But when a dozen cats fall upon a basin of milk and empty it, then in answer to the question, 'Who drank the milk?' it will be said 'It was the cat.' In the first case, an entire species is accused of the offense of a single individual; in the second, an individual is blamed for the offense of a number. This is the case today in the history of the Jews. For a single Jew who lays his hand on the sack, people would like to stone all Jews. And if a few poor devils of another race play a dirty trick, only one is accused. I can relate tales of true benevolence, magnanimity, self-sacrifice on the part of certain Jews of my acquaintance, and tales of miserliness, avarice, thievishness on the part of certain Christians whom I also know. It is 11 o'clock at night. A woman, carrying in her arms a two-year old child, falls wearily upon a bench in the Avenue Lamotte-Fouquet. A young man, a clerk in a book store, passes by. He stands still. What are you doing here? 'Sir, I wish to take my child to the Rue de Sèvres and will then seek a night's lodging for myself. I have eaten nothing since this morning, and I have sat down in order to gather some strength.' 'Here are 30 sous, it is all I have with me! give me the child, I shall carry him.' He accompanied the woman and carried the child, too heavy for her weakness. This young man was a Jew. A few days later, a rich man who has just alighted from a fiacre and paid the driver, wishes to enter his house. It is midnight. He pushes with his foot an aged man who is stretched out upon the steps. 'What are you doing here?' 'Sir, I collapsed from hunger



should perhaps be a safe-conduct for our Jews, is found in manuscript form in the National Library of Parma, where it is No. 402; Dr. A. Berliner has revealed it to the light of day. It runs as follows:

"Answer which the Pope addressed to the King of France, in which he defended the Jews because they are not in the least guilty of the death of the founder of the Christian religion.

An analogy for this is the tale of that king who entrusted the care of his garden with the command that he should allow no one to enter the garden. Anyone who should attempt to gain entrance was to be killed. One day the King wished to test his friend; to this end, he disguised himself, donned different clothes and presented himself at the entrance to the garden in order to be admitted, by giving out that he was the King. To this the keeper answered 'You may not enter, for the King has forbidden it, but you are not the King'. As the King was about to use force, his friend the watchman arose and struck him down. This is the same as the case before us. God gave his people Israel the law in which he commanded them: "I am the Eternal thy God. Thou shalt have no other Gods besides me . . . Take ye therefore good heed unto yourselves for ye saw no manner of similitude on the day that the Lord spake unto you in Horeb" (Deut. 4, 15). Further: 'No man can see me and live.' Therefore when the founder of our religion appeared, he came in human form, set himself up as God, so that they killed him according to the legal prescription. If they had known that it was God himself, they would by no means have done this. Also in the world to come they will be able to clear themselves in this way."

That is how a Pope in the dark Middle Ages regarded the matter.

I conclude this chapter with the words of such an exemplary apostle of the teachings of Christ.

I have before me the *Prayer-book for Enlightened Catholic Christians*. Edited by Philipp Joseph Brunner, Doctor of Theology, Parish Priest and School-Inspector in Tiefenbach and Eichelberg. By permission of the Reverend Vicar in Bruchsal. Seventh edition. Heilbronn on the Neckar, 1804.

There we find on page 326:

Prayer for the Jews. Almighty, eternal God, I pray to you for the welfare of a dispersed nation which more than once suffered from op-

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and fatigue.' 'Here are two sous.' 'With 50 centimes I could eat, with another 50 I could secure a lodging?' 'And then you will begin all over again?' He walks into the house. That was a Christian."



pression and contempt in past times. The misery of these unfortunate persons seemed to many to be a triumph of the teachings of Jesus Christ, and in order to make this triumph more glorious still, their wretchedness was aggravated, and every bud of civil and domestic happiness of this industrious people destroyed. The religion of Jesus became odious to them because so many followers of it were their eternal and sworn enemies. Never shall such an unworthy and hostile denominational pride blind and corrupt my heart! Since I, O God, learned from Jesus that all men are brothers, I will respect in them the human nature and the human rights which they have in common with me; their misery and their civil humiliation shall always inspire in me the eagerness to comfort them, to assuage their affliction, and to raise them again, by my sympathy with their fate, from the stunning blow of their past destruction. Amen.

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## CHAPTER XXIII.

### "RITUAL MURDER".

#### I. How Christians came by the Superstition of "Ritual Murder".

In countries outside of Christendom, in the Persian empire, under the rule of the Arabs and the Osmans, even within the reach of power of the cruel tribes of the Berbers, the Jews never had the need to defend themselves against the suspicion of "Ritual Murder". There, too, they had to bear a hard fate, they were often subjected to persecutions, but this mare's nest was absolutely unknown in those countries.

In all "blood trials" which were carried through in the course of the centuries, by means of the most cruel tortures, against the Jews, it was always Christians who were the accusers.

Turks, Christians, and Jews live in Damascus, but the Turks never thought that the Jews thirsted for their blood. But the Christian monks in the convent there once complained of the Jews having slaughtered one of them, Father Thomas, for Passover.

And the Christians of all people ought to have remembered that the early Christian congregations had to suffer the most bloody persecutions on account of these accusations invented by pagans. The Christian massacres in the second half of the 4th century were based on the charge that those hundred thousands of slaughtered Christians had seized children, sprinkled

them with flour, kneaded this flour with the blood flowing from the many wounds, and made cake of it for Easter -- which they ate at Thyestian meals.

The Christian apologists, in order to exculpate the Christians from the charge of the blood ritual, asked the accusers to read the religious books of the Jews whose religious laws were binding also on the Christians.

We learn from Justin's *Dialogue with Tryphon* that the Christians also called the Jews as witnesses in order to clear themselves of the suspicion of using blood.

There was, of course, in the "blood-trials" of that time, no want of state witnesses who admitted everything so that Justin Martyr thus apostrophizes the pagan persecutors:

If by torturing our women, children and slaves you wrest some confessions these are no proofs against us. *Apol.* 2, 12.

Eusebius reports of a Christian martyr, Biblies, that she came to after having been on the rack, and called out: "How could they possibly eat children if they were not even allowed to eat animal blood?" (Eusebius, *Hist. Eccl.* lib. V, cap. 2.)

The defence of the Christians against the fictitious pagan charges, as read in Justin Martyr, Athenagoras, Origen, Minucius Felix, Arnobius, Eusebius, strikes one as identical with the utterances of the Jewish apologists of old or modern times. (Compare also Gibbon, *History of the Decline and Fall of the Roman Empire*, cap. 16. Ed. Murray, vol. I, p. 388.)

One of the strangest phenomena in the history of delusions is the radical change of the parts in the delusion of ritual murder: how, after eight centuries, the accused become furious accusers dragging the former exonerating witnesses to the place of execution.

Attempts were made to explain the pagan charges against the early Christians as misunderstandings to which the Lord's Supper had given occasion. The pagans took this mystery which was quite incomprehensible to them in a raw literal sense; therefore Tacitus terms Christianity "exitiabilis superstitio". Tertullian, on the other hand, asserts that the pagans believe such things

of the Christians because they themselves "practise them to the present day".

Tertullian (*Apol.* 9) describes the pagan usages in which human blood is used now to seal an alliance, then presumably to heal an illness, or for an abominable meal; he says: "You ought to blush with shame before us Christians who do not consider even animal blood as an eatable dish and, therefore, abstain from the flesh of strangled and expired animals in order to be in no way polluted with blood, not even with that which is in the intestines either."

Tertullian also recalls the fact that the Romans in their evening parties, when they suspected a clandestine Christian to be in their midst, used the trick of having black pudding served. The clandestine Christian betrayed himself by refusing this dish. Tertullian adds:

What is one to call your conduct if you believe those to thirst for human blood of whose abhorrence of animal blood you are convinced? Or do you, who are experts, think the former more toothsome than the latter?

According to Tertullian, then, it was the superstition of blood magic which made the pagans suspect of blood rites Christians in whose midst still obtained the purity laws of the Bible which threaten with extermination every sort of blood-consumption, and declare as polluted and unfit for the temple service everybody who touches a corpse or even the tiniest part of a corpse.

These preventive laws against every sort of blood superstition were later on annulled by the Church. The consumption of black pudding ceased to be a mark of distinction between Christians and pagans.

In the Middle Ages, just as in early times, human blood was employed by physicians, and it is still used in popular medicine. It is nothing rare for the mob to scramble for the blood of executed culprits as a medicine against the falling sickness. The desire for these medicines, like other chimeras of popular belief, leads to crimes abounding in the records of courts.

Even Paracelsus has as a prescription against leprosy

Dosis sanguinis humani, semel in mense in secundo die post oppositionem.

(Paragranum liber, cap. 4. Opera. Straßburg 1616. I, 466.)

But upon examining the many prescriptions of the Jewish medicine chest of the Middle Ages we do not find a single case of blood being used as a medicine — a striking contrast to German popular belief.

This is the result of the repeated grave comminations in the Bible:

And whatsoever man there be of the house of Israel, or of the strangers that sojourn among you, that eateth any manner of blood, I will even set my face against that soul that eateth blood, and will cut him off from among his people. Lev. 17, 10.

I 1753, Alois Sonnenfels, the father of Joseph Sonnenfels, published an essay under the significant title *Jewish Loathing of Blood* in which all ordinances of the Bible, the Talmud, and of the rabbinic literature against the use of blood are produced in the original text and in translation, "from all which it is absolutely obvious that there is no people under heaven which has such a loathing and horror of the very shadow of blood as the Jews".

Superogatory religious zeal found its expression in exaggerated horror of blood. Thus meat was put into water for a long time, then sprinkled with salt, and again put into water to be cleaned of the salt and any drop of blood before it was cooked.

This is carried to such length that the *Shulchan Aruch* forbids the Jews to eat an egg in the yolk of which a drop of blood is found. The words which the Russian professor who was an expert in the Beilis law-suit told the jury in Kiev deserve to be remembered. Kokovzev concluded his report with the declaration:

If the absolutely bloodless dead body of a child were found, and a Jew ascertained to be the culprit, then I should sooner assume that the Jew wanted to eat the dead body, and emptied it of all blood for this purpose than that he wanted to eat the blood. Of two absurdities this would be the lesser one.

But with all this the riddle is not solved. How are we to account for the fact that the Turks, the Spanish Arabs, the Persians, and the Berbers never suspected anybody of ritual mur-



der, that they never, not even in occasional outbursts of anti-Jewish feeling, used such or similar pretexts while Christian countries are the exclusive home of the blood myth, and the more gaudily, absurdly, and fantastically it was tricked out the more probable and credible it appeared, the more success had those to expect who had something to gain by starting and spreading it. This fact that the charge of ritual murder against the Jews never yet turned up in a non-Christian country, and found accusers, believers, and propagation only within the Christian population points to a peculiar mentality. The susceptibility of the lower classes of population in the Christian countries to the poisonous germ of the blood myth which often swept through the Jewish communities like a spiritual epidemic as well as the immunity of non-Christian peoples from such aspersions must have psychological causes.

It is a demonstrable fact that the Christian population in its naïveté never hesitated to attribute to the supposed enemy of Christianity, the unbelieving Jew, belief in a Christian dogmatic conception without considering that those outside the Church could not possibly share such a conception. We know that sanguinary persecutions of the Jews were caused and justified by the charge of Jews having ill-treated and desecrated the Host, of even having pierced it with needles to indulge their hate of Christ. On account of the alleged crime of desecrating the Host numerous Jewish settlements were burned to the ground.

In 1556 even the Papal Nuncio in Poland, Alois Lippomani, Bishop of Modron, together with three other clergymen, accused three Jews of having bought a host from the Christian Dorothea Lacicka, piercing it with needles and obtaining a whole bottle of blood from it "which they used at the circumcision of their children". The Jews were seized, put on the rack, and, though they protested their innocence to the last, burnt alive. King Sigismund August said he did not believe that blood could be drawn from a host, and reproached the nuncio. He tried to prevent the judicial murder, but did not succeed. (Compare

Stanislaus Lubienicki, *History of the Reformation in Poland* quoted in V. Bayle's *Dictionnaire* article Lippoman; Prof. Dr. Mayer Balaban in Dr. Bloch's *Österreichische Wochenschrift* 1915, number 26, p. 485.)

The accusation of misusing the host was the subject of an historical play entitled *Religious Zeal, or Extermination of the Jews in Deggendorf anno 1337, a tragedy in 5 acts* representing the Jew massacre of Deggendorf. In this play the Jews buy 10 hosts from a Christian woman in order to abuse the Messiah. This offence against Christ is atoned for by the assassination of all the Jews in Deggendorf. In the 4th act the heroes glory in the accomplished deed, and one of them relates how he broke open the door of a cellar in a Jewish house. "Death! Hell! I saw a Jewish brood, among them a rabbi. Like a destroying angel I rushed over to him, and hit him on his forehead with such force that the brain which squirted out gave an echo on the walls, then I took my sword and killed everybody like a destroying fire. One woman wanted to fly, I saw her hastening up the stairs. I followed her, and hit her so that she gave up her ghost at once." This hero is commended: "That is right, man! He who records everything will reward you for your zeal!"

This drama of "Jewish hatred of the Christians" and Christian civilization was played in Bavaria as late as the 19th century.

On the 19th of July 1510, 38 Jews were burnt alive in Berlin because they were charged with having stolen a host from the church of the little village Knoblauch on the Havel, piercing it with knives until the blood came out in abundance, and then sending it to Brunswick where it was desecrated. The property of the executed was confiscated. All the Jews were exiled from Brandenburg, and to the gentry as well as to the commons everything they owed to the Jews was remitted. (Holtze, *Die Prozeßakten* etc. [*The Criminal Proceedings against the Jews of the March of Brandenburg in the year 1510.*] Pamphlets of the society for the history of Berlin, 21. Ackermann in the *Periodical for the History and Science of Judaism* 1905 [*Monatsschrift* etc.])

On the other hand the Court Councillor L. Schneider, reader to the Emperor William I., writes thus about the trial of 1510 in

*the Publications of the Association for the History of the City of Berlin:*

We shudder in reading, in the simple words of the old chronicler Angelus, the description of these proceedings. This horrible mockery of elaborate formalities in dealing with the Jews driven to despair by the rack, this fanatical thirst for the blood of dissenters, who were charged with the most incredible and absurd things only because they were no Christians. Thank God, these times are done with, and indeed, it will not take as many years, and the dross of unjust prejudices will also be thrown away. How do we judge of the bodily tortures which the Jews had to suffer 303 years ago, and how shall our descendants judge of the moral humiliations and charges, and accusations which they had to suffer later on? But they have also heard words of comfort, of hope and of goodwill, and these words, in honour of truly Christian sentiment, have become true.

In the course of the centuries, in the trials for desecration of hosts, a set programme had been evolved: Procuring of sacred hosts, tormenting the Sacrament, sweating of blood, miracles, repentance and fear of the Jews, discovery of the misdeed, for the most part again by a miracle, then torture, confession, death on the stake of the Jews.

But let us look at the mental presuppositions of such a crime.

He who commits such a crime ill-treats the host from hatred of the Christians, shares the dogmatic conception of the Church as to the essence and meaning of a consecrated wafer. This was unquestioningly assumed of the Jews.

A similar train of reasoning goes on in the background of the ritual murder fable which could only come to maturity in the mental atmosphere of the conception and belief that the wrath of God against sinful mankind may be appeased by a blood sacrifice, a belief rooted in the teachings of Paul that the actual condition of man is burdened with a heavy guilt, a revolt from God, that man by his own strength is incapable of doing away with this guilt and the inheritance of increasing depravity, that God, therefore, in his infinite mercy vouchsafed to accept the vicarious sacrifice of his own only begotten son who to this end had to come into the world and to suffer the painful and ignominious death of an evil-doer.

The depressing conviction of man's fall, of guilt, of revolt from God and the necessity of a sacrifice is a primary presupposition of the Church dogma. The Hebrew prophets, with the irresistible intensity of their glowing eloquence, endeavoured to root out the idea of blood-sacrifice in the heart of the nation. It was Paul, who, leaving this conception untouched, set up on the very soil of it the doctrine of the voluntary death sacrifice of the Son of God as a single payment of debt for the reconciliation of God to man.

The Jews, on the other hand, cannot forget the age-old words of the prophet Micah:

Will the Lord be pleased with thousand of rams, or with ten thousands rivers of oil? shall I give my first-born for my transgression, the fruit of my body for the sin of my soul? He hath showed thee, O man, what is good; and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God? Micah, 6, 7; 8.

Within the dogmatic sphere of thinking, however, there might be room for the (let us say) fantastical idea that the Jew being deprived of the means of grace offered by the Church, above all of the atoning power possessed by the blood of the Son of God, meant to propitiate God with some other blood sacrifice, say by killing a Christian child. The Jews, being excluded from the Lord's Supper, do not partake of the body nor of the blood of Christ; they might, therefore, try to mix Christian blood with their Mazzes (unleavened bread). Thus, instead of the blood of Christ the blood of a Christian atones.

Catholic intellectuals, brought up in the belief in ritual murder, try to find logical reasons for this delusion. The *Historical-Political Leaves for Catholic Germany*, edited by Edmund Jörg Franz Binder, vol. 125, part I, Munich 1900, contain a study *On the Question of Jewish Ritual Murder*.

The author believes in the Jewish ritual murder and tries to comprehend and to explain it:

In the New Covenant we have the daily renewed unbloody sacrifice, the holy mass. Now, in my opinion, there are Jews who have got the religious delusion that the enjoyment of Christian blood is serviceable for the attainment of eternal life in the other world; this belief, consciously or unconsciously, probably depends on the Christian doctrine



of the Lord's Supper, as it is most clearly expressed in the Gospel of St. John 6, 52 ff.

The author recalls the charges of the pagans against the Christians, and says:

This mystery of the Eucharist and Communion -- an offence to the Jews, an absurdity to the pagans -- was in the first Christian centuries the basis for the charge made by the pagans that the Christians practised child murder, as the unbloody sacrifice was misunderstood and gave rise to the belief that while the mysteries were being celebrated a child was killed, offered up, and its blood given to the believers as the Communion. Now I think it quite obvious that some Jews, having overheard this striking doctrine of Christ, either made notes or communicated it to others, these again to others, etc.

It is not at all unlikely that knowledge of the Christian doctrine of the Eucharist was transmitted among the Jews by oral tradition, and besides later Jews by studying the New Testament may have independently come to believe that perhaps after all Christ was the Messiah and that eternal life might be got only by having Communion with his flesh and blood. But how to get this Communion without conversion? From some mystical ideas which misconceived the essence of the unbloody sacrifice and the origin of which later on was more or less obliterated, a secret doctrine may have been evolved which aimed at replacing the Christian Communion by partaking of the blood of a Christian, who, by belonging to the Church Community, is a member of the mystical body of Christ. This secret doctrine may have had for its background the vague notion of the Christian truth that the blood of Christ opened the doors of Heaven for us and that only through the blood of Christ may we partake of eternal bliss.

This exposition by a very influential and highly respected Catholic periodical means, then, that a Jew committing "ritual" murder necessarily starts from Christian dogmas and reminiscences and is thus led into his aberration. Only the belief in the expiatory power of the blood of Christ could engender the belief that the blood of a Christian also might have expiatory power.

It is a well-known fact that the oldest documents accusing the Jews of ritual murder time it at Christian Easter, and not at the Jewish Passover. In 1263, according to the Marbach Annals, the Emperor Frederic II. convoked a committee of experts and put to them the question whether the Jews, as was commonly



assumed, required Christian blood on Good Friday. The committee was honest enough, with reference to the religious precepts, to answer in the negative.

The alleged murder of the little Simon, three and a half years old, a charge to which the whole Jewish community of Trient fell a victim, was also timed for the night of Good Friday in the year 1475. All this presupposes the Christian religious conceptions.

The delusion of "ritual" murder arises from Christian subsoil, emanates from its depths, and Christians are either accusers or accused. It is misunderstood, distorted Christianity.

In the Middle Ages it was a well-known fact that various Christian sects accused each other of ritual murder. The heretics — Montanists, Waldensians — were accused by the orthodox of acts of debauchery and of sacrificing a boy, in their meetings of Divine Worship. The early Christian Gnostics in the polemical treatises of ancient ecclesiastical writers are said to have used blood in their rites.

Within Judaism there were also sectarian disputes of an acrimonious nature. The reader will recall the sanguinary feuds between the Sadduces and the Pharisees which are referred to in the New Testament. And what bitter quarrels took place between Rabbanites and Karaites, between Chassidim and Misnagdim, &c! But nowhere is there to be found a trace of the charge of human sacrifice or of a similar crime from religious mania. To fight each other with such inventions was foreign to their thoughts; and, besides, they would not have been credited, because within Judaism there is absolutely not the slightest shred of justification for them. But we know that the Jews have always regarded and still look upon those of their coreligionists who, as victims of Christian charges of "ritual" murder, expired under the hand of the hangman, as holy martyrs, and prayers are said for the salvation of their souls on the great holidays in the synagogues to the present day.

Martin Luther calls it "Narrenwerk" (fools' doing) to charge the Jews with using Christian blood. Therefore it is the more striking that in regard to Christian sects there is a remarkable

passage in Luther's *Tabletalk* which ought not to be passed over in silence. It runs literally:

There is talk at Dr. Martin's of sacrifices, of human beings sacrificed to the present day; the Emperor Charles V. has done away with them, and instead set up convents for Monks of the Grave. It is also said that in the court of a great king there is a priest's garment in existence which is made of bird's feathers of sundry colours, with small, narrow sleeves, trimmed and embroidered with gold and jewels; this garment a priest had to put on when he wanted to slaughter and to sacrifice human beings. After having put on this garment, the priest waited for a revelation, then from the crowd he picked out a child or another human being whom he killed and sacrificed amidst the great devotion and reverence of the people standing near &c. *Dr. Martin Luther's Table Talk or Colloquia*. Edited by Eduard Förstenau, Leipsic 1844, vol. 1, p. 295.

The English historian Elliot Warburton who published the *History of Prince Ruprecht and the Cavaliers* (London 1849) reports I, p. 17:

The Puritans had agreed that the cavaliers kill and eat small children, and that therefore the mothers in England at the time frightened their children with the name Ruprecht Palatine.

As late as the 19th century Catholic bishops in England had to protest against the church being charged with such crimes, and these charges being used as arguments against the emancipation of the Catholics.

It is a well-known fact that the Chinese organized Christian massacres under the pretext that the Christians used the blood of Chinese children for their purposes.

Many instructive facts may be looked up in Hübner's *Promenade autour du Monde* (Paris 1873) vol. II, p. 385—455.

In the last decades of the previous century the same absurdity in regard to the Christians was rampant among the rural population of Japan. *Reports of the Oriental Seminary*, p. 117.

In 1900 Turkey had to send forces against the Mohammedan Bedouins on Mount Sinai because they charged the monks of the convent on Mount Sinai with having murdered the beautiful Zuleika, the daughter of the rich Achmed, for the purpose of bleeding her. The irritated Bedouins prepared to destroy the Catholic convent.

To sum up:

Turks, Arabs, and Persians under whose reign Jews in the course of the centuries had to suffer hard and cruel persecution as unbelievers never charged the persecuted with ritual murder.

Mohammedan sects who fought against each other in sanguinary battles never accused each other of human sacrifices for religious purposes.

In the fanatic feuds of Jewish sects, in the struggle between Karaites and Rabbanites, between Chassidim and Misnagdim or between several parties of the Chassidim in particular who often abused each other most unsparingly and venomously and who informed the authorities against each other, there is not the slightest indication of a suspicion of human sacrifice.

It was Christians who were first accused of ritual murder; they defended themselves against this charge by referring to the testimony of the Holy Scriptures of the Jews as well as to the religious law, common to them both, which prohibits the use of blood in any form.

But this did not prevent Christian sects in the Middle Ages from hurling this charge against each other, and even Martin Luther who stigmatizes the charge of ritual murder against the Jews as "fools' doings", does not shrink from voicing such a suspicion against the "priests". Wherever we come across a charge of ritual murder in history, it is always Christians who are the agents of the charge, either active or passive. There is no "ritual murder" without a Christian participant.

The myth of ritual murder presupposes an exclusively Christian ideology. Paul's doctrine of the propitiation of God by the Son of God is its fundamental theory and was the starting point of those religious aberrations of which the Christian sects of the Middle Ages were accused.

The Jew, when accused of such crimes, must have ascribed to him ideas and dogmatic conceptions absolutely foreign to his religious mentality, ideas against which he has ever struggled with all the intensity of his mind, at the price of life itself; it was on account of them that he rejected Christianity and chose a

two thousand years' cruel martyrdom rather than to submit to them.

The delusion of ritual murder no less than the myth of the Desecrated Host is a degeneration of specifically Christian conceptions.

## II. Ecclesiastical "Ritual Murder" Propaganda.

Perhaps the most effectual propaganda for the perpetuation of the superstition of ritual murder is the strange cult of three boys who are considered to be Saints because they were said to have been tortured and murdered in their babyhood by Jews. In honour of these boys churches and chapels were built which are annually attended by thousands of pilgrims who come to pray before the supposed relics of these child martyrs. The tales of the alleged martyrdom of these children, phantastically elaborated, are to be found not only in Readers for the Catholic young generation, but also form the contents of numerous popular books circulated every year in order widely to spread the fame of the holiness of the churches and chapels concerned. They are "Holy Werner" (1287), "Blessed Andreas" (1462), and "Holy Simon" (1475). Chapels in Trient and in Ries in the Tyrol commemorate the second and third of these boys, the Werner Church in Bacharach on the Rhine is a memorial to the first.

The boy Werner was said to have been hanged by the feet by several Jews (in Oberwesel, 1287), "in order to disgorge the holy Host". As they did not succeed, they flagellated him, opened his veins, and squeezed out his blood. Werner suffered patiently, and died.

The poor boy Werner, then, became the victim of the passionate longing of the Jews for swallowed Hosts.

But the *Chronicon Colmariense* apud Böhmer, *Fontes Rerum Germanicarum* of the year 1288 (p. 72), an unobjectionable Catholic source, reports

that the Emperor Rudolf ordered the Archbishop of Mainz solemnly to declare from the pulpit, that the Christians did the greatest wrong to the Jews, and that the good Werner who commonly was palmed off as

having been murdered by the Jews, and was being worshipped by some ingenuous Christians as divine, was to be burned, and his ashes strewn to the wind and dissolved into nothingness.

Thus it is proved that the Emperor Rudolf protested against the charge that the Jews had murdered the boy Werner on account of a Host, and it is not to be supposed that the monk chronicler would have written "the boy was worshipped by some ingenuous Christians", if this had not been a fact. To the present day Catholic children read in primers about this "murder by the Jews".

As to the history of Andreas of Rinn, it is sufficient to refer to Steub's *Social Sketches from Old Bavaria* (Altbayrische Kulturbilder) (Leipsic 1869) in which he briefly says on p. 83:

The martyr-death of the little Andreas of Rinn, the Saint of Judenstein near Hall, is said to have taken place in the year 1462; this is a fabrication the glory of which, according to current opinion, is due to the women's doctor Hippolyt Guarinoni in Hall, an Italian who died in 1654.

The whole fable, in fact, may be traced back to Guarinoni whose report is contained in the book of Adrian Kembter, *Acti pro veritate Martyrii Corporis et cultus publici B. Andreae Rinnensis* which was published 1745 in Innsbruck, and who recorded the popular story in order to have Andreas canonized. Kembter's book was then epitomized and enlarged by verbal communications of Bonelli in his *Dissertazione apologetica sul martirio del B. Simone* (published 1747); a German abstract of it is *Der Judenstein oder Die Geschichte des Märtyrertodes des unschuldigen Kindes Andreas von Rinn* (Innsbruck 1845). The sources of Guarinoni to whom all the reports go back were, as Kembter asserts, the statements of the oldest people, 85 to 92 years old (one even was 96 years old) whom he asked about the martyrdom in the year 1619. The man of 96 was born in 1523, i. e. 61 years after the event of 1462! He, then, remembered it perfectly well still! If a charge against the Jews had been raised in the year 1462 the consequences would most certainly have been persecutions of the Jews, and Josef Hakohen would have reported them in *Emek Habacha*. His silence is a proof of the mythical nature of the whole thing. The cause of the canonizing in this case was not



the fabrications of Guarinoni and Kembter, but the — "miracles" which Andreas was said to have performed.

Cardinal Ganganelli in his famous report states:

The diocese of Bressanone had to wait almost 300 years before the worship of the boy B. Andrea was permitted by the holy Roman Church.

The third tale in the Catholic primer reports the history of Saint Simon of Trient, and begins with the following remark:

That the just God punishes great sins of a nation for centuries even here below, the Jews have been the living witnesses for 1800 years. But as the punishment endures which they have to suffer on account of the death on the cross of Christ, the hatred of many Jews against Christ and the Christians still endures, and is often violently manifested. Thus they have, as reliable witnesses prove, in former times often stolen or bought little Christian children, tortured them most cruelly, and drunk of their blood, and that mostly on Good Friday, when their fathers had murdered Jesus Christ. One of these children was Simon of Trient, a town in the south of the Tyrol; he was tortured in 1475.

The history of the boy Simon is the tragedy of the rich Jewish community of Trient.

Things happened according to the programme which had been announced in a sermon four weeks before the event. The guardian of the Franciscan convent declared in a sermon pointed against the Jews: "The Passover of our Lord will not pass by without these people furnishing a worthy proof of their kindness."

**The prophecy, of course, came true.**

On Maundy Thursday (23rd March) 1475, the boy Simon Unferdorben, born on the 26th November 1472, disappeared. The dead body was smuggled into the neighbourhood of the house of a rich Jew, Samuel. He himself reported the case to the municipality, and to the bishop Hinderbach, and then happened what usually followed everywhere. The rich Jews were at once incarcerated, submitted to the most agonizing tortures with subtle cruelty for a whole fortnight, until they asked as a favour to be burned alive. This entreaty was complied with in haste, for a few days afterwards the emperor commanded that the persecution be stopped, and a delegate of the Pope arrived in order to enquire into the matter. For further particulars about this so-called "trial" which lasted several years look up Dr. J. E. Sche-

rer, *The Status of the Jews in the German-Austrian Countries* (Leipzig 1901); Bloch, *Trial by Jury of Father Dr. Joseph Deckert and Paulus Mayer*.

Let me mention here a remarkable incident. The Jews appealed to a priest to copy the trial records in the bishop's residence, as they wished to send copies to the ecclesiastic and secular authorities because they knew that the authentic records could speak only in their favour. The priest was caught copying the records, and when legal steps were taken against him, he cut his tongue off, when unguarded, in order to escape the rack.

On the strength of the records in existence, such an unbiassed Christian scholar as the above mentioned Dr. Scherer, who died a few years ago, arrived to the following opinion:

In this case there is not even the question of a judicial murder; the trial and the condemnation of the Jews of Trient can be characterized only as a pre-concerted conspiracy carried out according to a deliberate design for ruining the Jews. Perhaps it would be wrong to charge Hinderbach, as did the delegate of the Pope and the counsel of the Jews, with having managed the persecution of the Jews out of cupidity, but he as well as his residence benefited greatly by this cause célèbre, for Trient from this time became a much frequented shrine.

In the church of San Pietro in Trient there is the chapel of Saint Simon with numerous pictures the photos of which are sent as pictorial cards into the whole world. All the paintings of the gorgeous chapel are dedicated to this alleged ritual murder: the altar-painting is a lifesize effigy of the little boy. Larger and smaller gold-framed pictures depict the event. A naked boy is lying on the table, and men with long beards and of Jewish type are bent over him. During the summer months there are many visitors in the church, and the sexton seizes the opportunity to show relics which are kept in the chapel. He unlocks a precious cabinet, and first takes out a glass receptacle which rests on an ornate stand. Under the slender glass cover the "ritual knife" is to be seen with which the Jews are said to have tormented the child. A second glass capsule, also gorgeously ornate, is near the first. Clotted, black blood fills up half of the space. More and more relics are shown, finally a large black kettle cauldron in

which the Christian child is supposed to have been lying while being tortured. Such pictures of the boy Simon are to be found in several shrines, even in the church of Saint Peter in Rome.

### III. Altar Pieces in Vienna Churches.

When, in an article in the *Neue Freie Presse* on the judicial crime committed against Leopold Hilsner, Dr. Alfred Stern mentioned the influence of the ritual murder paintings in the Tyrolese chapels on the superstition of the rural population, the *Vienna Reichspost* of the 2nd December 1913 replied:

Dr. Stern seems to think that a shrine in honour of the victim of a ritual murder like the one of Rinn in the lower valley of the Inn is only possible in the dark middle ages and in the doubly dark Tyrol. He ought to know better. In the year 1890, on the 10th of November, the solemn consecration and opening of the parish church in Rudolfsheim took place in the presence of our emperor, of the ministers, of numerous other celebrities, and an enormous crowd of people. The beautiful tripartite altar-piece of this church shows in the right panel the blessed martyr Rudolf, also the victim of a ritual murder, with the ritual knife in his left hand, and pointing with his right hand to the murderous wound at his throat. The picture, which was painted by order of the Ministry of Public Instruction chief of which at the time was the "intelligent" Hartel, a liberal luminary, found approval everywhere. Well, you see, Dr. Stern! It is not advisable to monopolize "intelligence" for Judaism.

In order to utilize for the lie of ritual murder the highest authority in Old Austria the communication was made that the consecration of a tripartite altar-piece which represents a ritual murder had taken place in presence of our emperor. The mob was to be won for the belief in the Jewish ritual murder by the communication: the altar-piece painted by order of the "liberal" Ministry of Public Instruction, representing the victim of a ritual murder, was consecrated in the presence of the emperor.

But what about the "blessed martyr Rudolf?" Jewish records have hardly anything to say about this tragedy of the Jewish community of Bern; but what Christian chroniclers report recall the words of Pope Innocence IV. in his famous bull:

The Jews are tortured and killed without trial or judgment from avarice and bloodthirst; in order to unjustly pillage and confiscate their property wicked attempts are devised and invented against them.

A substantial Jewish settlement in Bern may be traced back to the middle of the 13th century. One day the Jews are charged with having murdered a boy Ruff (Rudolf); the dead body of the child is found in the cellar of a Jew; it works signs and miracles. The alleged murderers are broken on the wheel, the other Jews exiled. The typical routine in these cases!

The learned prelate Stammer has in the *Catholic Swiss Leaves* of 1888 a thorough study of the case of Rudolf, and it is also quoted in the *Zeitschrift für Schweizerische Kirchengeschichte* 2nd file, number I, p. 141 (1908). There it says literally:

Canisius and other authors have borrowed the story of the murder of the Christian child in Bern from the old chronicler Justinger. Public opinion charged the Jews with this crime, and they were driven from the town. When they returned, the municipal corporation imposed upon them the payment of a large sum as a fine or damages, "de puero, ut dicitur, a Judæis occiso". There never was any trial as to the authorship of the murder, and the church authorities did not interfere in this matter.

Justinger himself reports, p. 30:

The news of the Jews having been tortured, fined, and expelled soon reached King Rudolph. He was very angry at this high-handed proceeding and fined the people of Bern, because the lives and goods of the Jews belong to him and to the Roman Judicial Chamber. Leuenberger, *Studies in Bernese Law History*. 1873. P. 195.

Tschudi in his *Helvetian Chronicle* p. 194 says:

In 1827 some Jews killed a child, Rudolph, by torturing it to death. The child was buried behind the altar in the parish church, and there were for a long time great signs near his grave. As the body had been found not far from the Jewish houses, suspicion settled on the Jews. Soon the guilty were found. Those who confessed were tortured; the others were banished from the town.

Then the Jews complained to King Rudolph that they had been expelled and had suffered great loss without having given any provocation. The king wrote to the citizens of Bern (against whom he had a grudge) that they were to compensate the Jews for their losses, else they would lose his favour and meet with punishment. Those of Bern did not pay any

heed to the letter, which suited the king as he had a pretext for injuring them.

Sigmund von Birchen in his *Mirror of the House of Austria* I, cap. 15) says with regard to this case:

It was the will of the Emperor that everybody should enjoy the peace and that nobody was to be his own judge when the case belonged to the competence of the emperor. That is why, in 1282, he went to Switzerland in order to punish Bern for its misdemeanour although the citizens alleged that the Jews had committed a crime. The emperor besieged Bern but without success. As he was wanted elsewhere, he raised the siege putting off the war to some other time. Johann Caspar Ulrichs. *Collection of Jewish Stories in Switzerland*. Basel, 1768. P. 146.

In the summer of 1294 a committee was busy with the affair. On the 20th June, Bishop Peter of Basel, the Governor of Alsace, Gottfried of Merenberg, the knights Kuno von Berchheim and Hartmann von Ratzenhausen, the four members of the Court of Arbitration, gave the verdict: All the Jews cancel their outstanding debts with the mayor, council and community, and all those who at the time lived in the town. Bonds and pledges are to be returned without any more ado. Finally they have to pay 1000 mark silver to the community, and 500 to the mayor. The king consented on the 1st August to this arrangement and utilization of the excesses ("super excessibus perpetratis contra Judeos et Judeas Bernenses a civibus Bernensibus"), and in December the mayor Jakob von Kienberg acknowledged the receipt of 500 Mark which were assigned to him through the knights of Malta, the fathers of the convent in Interlaken, Ulrich von Thor, and others who owed the Jews money. The goods and chattels of the exiled fell to the share of the town.

How little the authorities cared for the ascertainment of the truth is evident from the lazy way in which the magistrate in his receipt mentions the murder of the boy: "quem dicti Judei ut dicitur occiserunt" (Dr. Augusta Steinberg, *Studies in the History of the Jews in Switzerland*. Zürich 1902, p. 125).

It is plain to see the object of the whole affair. The hatred against the Jews was at all times more a matter of business, of the mania for profit than of devoutness and of religious overzeal, therefore Rudolf von Habsburg tried to help the poor Jews of



Bern. He did not believe in the martyrdom of the boy Rudolf, and he condemned the whole humbug of ritual murder very hotly. Though the *Church Encyclopaedia* of Professor Buchberger (edited by ecclesiastic approbation Munich 1907) declares "the murder of the boy Rudolf is unjustly laid at the door of the Jews; Rudolf was neither canonized by the church nor declared to be a martyr", nobody has the courage to make the suggestion that the altar-piece in the church in Rudolfsheim depicting a fictitious event be removed, a suggestion which every friend of truth would think a matter of course considering the statements of irreproachable Christian authorities.

A similar situation obtains in Kalwarya near Cracow where many thousands of people, chiefly peasants from Galicia, Hungary, Bohemia, Moravia, Silesia, and Russian Poland every year go on pilgrimage in the middle of August in order to get absolution at the famous shrine of the Virgin Mary. Poor and rich, peasants and citizens draw near in coaches or afoot, and the little town at that time is congested to such a degree that many have to camp in the open. But it is not the picture of the Virgin Mary in the convent of the Order of St. Bernard which is the only attraction; there is another painting in the church of the convent. Directly near the entrance there is a large picture representing the slaughtering of a child by Jews. The painting is about 4 yards high and  $2\frac{1}{2}$  yards wide. Several Jews in Jewish-Polish apparel, wrapped in prayer shawls, stand round a child whom they are bleeding; the expression of their faces, their looks correspond with the situation. In order to leave no doubt whatever about it there is the following legend in Polish at the foot of the painting:

The martyrdom of the child Simon, the son of Adam and Eve Studzinski, which was kidnapped when  $3\frac{1}{2}$  years old by a Jew on Good Friday, and murdered on Saturday in the most cruel way in the public house of Marcus, near Zhitomir, by Jews. Thus done the 26th May 1675. Renovatum A. D. 1870.

The impression which this painting exercises on the peasants who are so susceptible to such exhibitions can be easily imagined.

The Slav peasant is an unsophisticated believer, the clergyman for him is an infallible authority, and the painted lie to him is absolutely true as it confronts him in church.

The event which is the object of the painting happened on the 20th of April 1753, and is one of those Polish charges of ritual murder which evoked the "Opinion" of the Cardinal Ganganelli (Pope Clement XIV). On the day mentioned, in the village Markowa Wolica which belongs to the diocese of the Bishop of Kiev, the boy Simon Studzinski was found murdered. Though not the slightest suspicion pointed to the Jews, the bishop had thirteen of them imprisoned, put on the rack, and though notwithstanding the most cruel tortures they protested their innocence, though not a ray of evidence proved their guilt, they were quartered! The delegate of the Polish Jews, Selek (Selig), reported the deeds of the farce of a proceeding to the Pope who asked the Bishop of Kiev to justify himself. The bishop did so in a letter of which Ganganelli says in his "Opinion":

I need not the communication of what the prelate of Kiev says, for the greater part of his report can only be called an apology of his attitude since he defends himself for the "greediness for money" (*auri sacra fames*).

Thus this "ritual murder" was made the object of a thorough investigation on the part of the Pope and his councillors, and the result, of which the nuncio in Warsaw was duly apprised, was "that there are no causes whatever to justify this prejudice (the charge of ritual murder) against the Jews!"

The legend on the picture says, "So done this 26th day of May 1675. Renovatum a. D. 1870." It was not difficult to ascertain that in the year 1675 Good Friday was on the 24th March, that Good Friday never falls in May. It is characteristic that an event which the then chiefs of the Catholic Christianity denounced as fictitious is shown to this day in a Catholic church, and is permitted to be misused in stirring up the passions of the people.

Ganganelli (when he was Pope Clement XIV) says in the "Opinion" mentioned above:

In 1705 there was a painting put up on the Rialto Bridge in Venice on which Jews were depicted as killing a boy. Soon afterwards, in April

1705, the republic issued the decree: It was ordered that this picture be effaced and destroyed.

There is a picture in the front of a church in Posen, on which a rabbi is represented with a knife, about to cut the throat of a Christian while other Jews hold a basin in their hands to receive the blood. Ganganelli says that this picture ought to be treated like the other one that was exhibited on the Rialto. He recalls the tale of Tertullian about a picture exhibited in Carthage which was meant to mock the God of the Christians, and that the Christians themselves laughed at this monstrous picture and its legend. Ganganelli recounts the artists' anecdote of a famous painter who in order to take revenge because a picture which had been ordered by a prince was rejected exhibited this picture to the public, after having put on the hat the mark which the Jews were compelled to wear. When he was called to account the painter answered: "I should never have believed that a picture which first was considered not to resemble the original, the face of the Christian, afterwards, with the mark peculiar to the Jews, should resemble it." The picture in Posen, as a fact, refers to the wars of the archbishop against the pagan Pomeranians, and it was only afterwards that it was interpreted as meant against the Jews. Ganganelli further mentions that, in the year 1668, the general of the Order of the Dominicans admonished the Polish members of the Order to preach against the persecutions of the Jews.

In the year 1759 the report of Ganganelli which had demanded the interposition of the Pope in favour of the Polish Jews was approved.

In the year 1705 the picture on the Rialto was blotted out and destroyed; the same was done to the picture in Posen which since then is no longer to be seen. But the progress of time is marked by such blood pictures and mendacious representations of crimes, in reality not committed by Jews but against Jews, being manufactured anew and used as altar-pieces. That is why the delusion of the ritual murder within Christianity is not eradicable.

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## ERRATA.

Page:

15. last line: for Ps. 9, 8 read Ps. 9, 18.
23. line 14: for Ezek. 47, 22 read Ezek. 47, 21—23.
36. line 4: for Ps. 9, 17 read Ps. 9, 18.
36. last line: for Ps. 68, 31 read Ps. 68, 32.
37. line 8: for Ps. 80, 13 read Ps. 80, 14.
37. line 12: for Ps. 68, 30 read Ps. 68, 31.
37. line 15: for Ps. 68, 30 read Ps. 68, 31.
37. line 17: for Ps. 68, 30 read Ps. 68, 31.
39. line 14 from end: for Sotah 49 a read Sotah 49 b.
48. line 15 from end: for Alim Literufa read Taam Hamelech.
50. line 5: for Rezen Matteh read Rezen Matheh.
55. line 12 from end: for Aboda Zara 6 b read Aboda Zara 3 b.
72. line 7: for Baër read Beër.
102. line 9: for Mishna Baba Metsia 4, 4 read Mishna Baba Metsia 4, 3.
103. line 9: add after thyself: (Lev. 19, 18).
103. line 21: read (fol. 59 a) for (fol. 55 a).
104. line 7: for Baba Kamma 13 b read Baba Kamma 113 b.
106. line 3 from end: for Esobar read Escobar.
108. last line: for Baba Metsia 2 a read Baba Metsia 21 a.
110. line 22: for Choshen Mishpat 92, 3 read Choshen Mishpat 259, 3.
113. line 9 from end: for Baba Kamma 13 b read Baba Kamma 113 b.
115. line 13: for Megilla 13, 2 read Megilla 13 b.
116. last line: for Baba Metsia 59, 9 read Baba Metsia 59 a.
117. line 5: for Ps. 15, 1— read Ps. 15, 1—2.
117. line 9: after the words: Safra did, add: (Makkoth 24 a).
118. line 21: for (Deut. 19, 20) read (Deut. 16, 20).
121. line 20: after Choshen Mishpat add: 156.
124. line 6: for (Abaye) read (Abaya).
125. line 15: add: (Dresden Opinions in the Law Suit Rohling-Bloch).
128. line 12: after Choshen Mishpat 176, 12: add: Tur Choshen Mishpat 182, 2.
135. line 17: for Ashi read Asi.
137. line 4: after Rabbi Josiah add: Menachoth 75 b.
138. line 16 from end: for (Ps. 451, 9) read (Ps. 145, 9).
165. line 16: for Mertens read Martens.
174. line 7: for XVII; read XVIII.

Page:

200. line 7: for Sanhedrin 49 read Sanhedrin 49 a.  
 200. line 18: for Pirke Aboth II, 16 read Pirke Aboth II, 11.  
 200. line 15 from end: After the words: Likewise it says, add: (Lev. 19, 18).  
 208. line 5: add Bab. Sabbath 33 b.  
 216. line 4 from end: for Tavo read Thavo.  
 216. line 9 from end: after Pentateuch add: (Ex. 12, 16).  
 225. line 8: from for Pirke Aboth 3, 18 read Pirke Aboth 3, 14.  
 226. line 6: for Pirke Aboth read Mishna Aboth.  
 234. from end (9th line) add: (Ges. Schriften, ed. Klaar Vol. I. p. 217).  
 241. line 2 from end: for Pirke Aboth V, 13 read Pirke Aboth V, 10.  
 244. line 2 from end: for Deut. 13: 17 read Deut. 13, 13—18.  
 249. last line: for Kethuboth 3 a read Kethuboth 111 a.  
 270. line 21: after Kalla add: XVIII.  
 273. line 18: for (Num. 30, 2) read (Num. 30, 3).  
 292. line 4: for Eben Haëzer c. 21, 7; read Eben Haëzer c. 20, 7.  
 299. line 11 from end: for see above p. 000), read see above p. 232 f.).  
 301. line 10 from end: for (ibid. p. 16, num. 41) read Antonius de Escobar  
     *Liber theologiae moralis* p. 16 Nr. 41).  
 304. line 12: after Aboda Para add: 17 a.  
 311. line 8: for Resch Lakisch read Resh Lakish.  
 311. line 12 from end: for (Ps. 81, 9) read (Ps. 81, 10).  
 312. line 21: for Lakisch read Lakish.  
 313. line 18: for Pirke Aboth 2, 6 read Pirke Aboth IV, 2.  
 314. line 7: for Ps. 89, 7 read Ps. 89, 8.  
 314. line 19: for (Deut. 4, 9 f.) read (Deut. 4, 19).  
 318. line 9: for Kiddushin 40 a read Kiddushin 40 a and 31 a.  
 321. line 9 from end: for Rabba read Rab.  
 326. line 7 from end: for peoble read people.  
 328. line 14: for (Ex. 22, 4) read (Ex. 22, 3).  
 332. line 15 from end: for Ps. 22, 17 read Ps. 22, 18.  
 335. line 20: after Irenæus, contra Haer. I, 16 add: and Augustinus de civ.  
     dei XVI, 8.  
 346. line 2 from end: for Pirke Aboth II, 12 read Pirke Aboth II, 8.  
 348. line 4: for (Deut. 12, 32; 13, 1—3) read (Deut. 13, 1—4).  
 355. line 1: for (Pirke Aboth 4, 15) read (Pirke Aboth 2, 10).  
 388. line 2: for Makkot read Makkoth.  
 391. line 9: for Deut. 28: 11, 12, 13, 14, read Deut. 28: 8—14.  
 394. line 5 from end: for Micah 6, 7 read Micah 6, 7—8.  
 416. line 11: for Deut. IV, 4 read Deut. VI, 4.  
 430. line 15: add to Deuteronomy 13: 5 Sota 14 a.  
 433. line 9 from end: for (1. Timothy 6, 3—5) read (1. Timothy 4—5).  
 434. line 1: to p. add 200.  
 434. line 15 from end: for (Matth. 5, 43) read (Matth. 5, 43—44).

## Page:

435. line 3 from end: for Ps. 84, 2 read Ps. 84, 3.  
 435. line 10: for Ps. 42, 1 read Ps. 42, 2.  
 439. line 6: for (Matthew 5, 38.) read (Matthew 5, 38—39.).  
 439. line 9 from end: add: (Baba Kamma 83 b.).  
 444. line 3: for Eicken read Eucken.  
 445. line 19: for Deut. 22, 1; 2 read Deut. 22, 1—4.  
 445. line 3 from end: for Aboth 5, 14 read Aboth 5, 11.  
 448. line 1: for 19, 16 read 19, 26.  
 468. line 8: for (Sanhedrin 52 b) read (Sanhedrin 104 b).  
 468. last line: for (Acts 6, 9) read (Acts 6, 9 and 12).  
 468. Note line 2 from end: for Sanh. 7 a read Sanh. 67 a.  
 473. line 8 from end add.: (Sabbath 89 a),  
 474. line 14: for De Sacrificiis read De Victimis.  
 520. line 3 after Dr. A. Berliner put in: Personliche Beziehungen zwischen  
 Juden und Christen im Mittelalter.  
 522. line 21 after Athenagoras, omitted: Legatio pro Christianis.  
 522. line 22 after Arnobius, omitted: Adversus gentes.  
 522. line 22 after Minucius Felix, omitted: „Octavius“.  
 538. line 12 from end: for Tschndi read Tschudi.
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